Ireland. Laws, statutes, etc. Digests

AN

ABRIDGMENT &c.

OF THE

Publick Statutes of Ireland,

NOW IN

FORCE and of general USE:

AND ALSO,

Of ſuch ENGLISH and BRITISH STATUTES as relate to and bind *IRELAND*, from MAGNA CHARTA to the Twenty firſt and Twenty ſecond Years of the Reign of His preſent Majeſty King *GEORGE* the Third inclusive.

IN TWO VOLUMES.

By ED. BULLINGBROOKE, Doctor of Laws.
AND FRANCIS VESEY, Eſq;

THE SECOND EDITION.

With ALPHABETICAL TABLES of the HEADS under which the ACTS are Abridged,
By JAMES GODDARD BUTLER, Eſq;

VOLUME THE FIRST.

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ABRIDGMENT

OF THE

Public Statutes of Britain,

IN FORCE and of general USE:

JUN 5 1918

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AN

ABRIDGMENT

OF THE

Publick Statutes of *Ireland*,

IN FORCE AND USE;

AND ALSO,

Of ſuch *Engliſh* and *Britiſh* Statutes as are in Force in *Ireland*, from *Magna Charta*, to the Twenty-firſt and Twenty-ſecond Years of the Reign of His preſent Majeſty King GEORGE the Third incluſive.

Abſentees.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 2. ALL perſons who ſhall have upon the 25th of December 1781, or between the 25th of December 1781 and 25th of December 1783 incluſive, any ſalary, profits of employments, fees, or penſions in this kingdom, ſhall, during the time aforeſaid, pay unto your Majeſty the full ſum of four ſhillings ſterling out of every twenty ſhillings a year, which he, ſhe, or they do or ſhall receive or be intitled unto by reaſon of ſuch ſalaries, profits of employments, fees, and penſions, over and above the charges and expences of executing ſaid employments, unleſs ſuch perſon do and ſhall live and actually reſide within this kingdom for and during ſix calendar months at leaſt in every ſuch year; which tax or duty ſhall be ſtopped and deducted yearly out of ſuch reſpective ſalaries, fees, and penſions during the time and term aforeſaid by vice treaſurers, or paymaſters, and receiver general, or by ſuch perſons who are to pay the ſame; and ſhall be by them paid to vice treaſurers, or deputies, to be accounted for to your Majeſty; and alſo that the ſaid tax of four ſhillings in the pound ſhall be ſtopped by the reſpective deputies of ſuch perſons ſo abſent and paid by them to vice treaſurers, or deputies, to be accounted for to your Majeſty; and that ſuch deputies ſhall, within one calendar month after ſuch tax ſhall become due, give in upon oath an account before

4*s.* per pound on ſalaries, employments, &c. above charges, between 25 Dec. 1781 & 1783, unleſs reſiding 6 months every year.

ſtopped yearly,

paid to vice treaſurers and accounted for,

account on oath by deputy,

before the lord chief baron, or any of the barons of exchequer, or any two juſtices of peace, of the net profit of ſuch employment for which ſuch deputies accountable to their principals; which account ſuch perſons, to whom given upon oath, ſhall forthwith ſend to vice treaſurers or deputies, and ſuch deputies of perſons ſo abſent, ſhall, within one calendar month after ſuch account given in, pay to the vice treaſurers, or deputies the ſum due and payable to your Majeſty, for and on account of the ſaid tax; and in caſe ſuch deputies of perſons ſo abſent, omit, or neglect to give in upon oath ſuch account, or to pay the ſaid tax within the reſpective times before appointed, ſuch deputies from the time of ſuch omiſſion or neglect ſhall be incapable of exerciſing or holding ſuch deputation, and alſo forfeit one hundred pounds, to be recovered by bill, plaint, or information in any courts of record at Dublin; one moiety to the uſe of your Majeſty, the other to ſuch perſon who ſhall ſue for the ſame, in which ſuit no eſſoign, protection, wager of law, or more than one imparlance allowed.

ſent to vice treaſurers,

paid in a month after account,

deputy neglecting incapable, and 100l.

mode of recovery.

II. *ſect.* 3. Secretaries of commiſſioners of revenue, and agents of the ſeveral perſons intitled to receive any ſalary, fees, or penſions upon eſtabliſhments, ſhall reſpectively on or before the laſt of February yearly deliver in upon oath, which oath the lord chief baron, or any of the barons of the exchequer, or any two juſtices of peace, are required and impowered to adminiſter, to the beſt of their knowledge a liſt or account of ſuch officers of revenue and of perſons intitled to receive any ſuch ſalaries, fees, or penſions, who ſhall have been abſent and out of this kingdom ſix calendar months in the year ending 25th of December next preceding; and in caſe ſuch ſecretaries, or agents refuſe or neglect to deliver in ſuch liſts, they ſhall be diſabled from holding and enjoying office of ſecretary, or from being agents.

Liſts by ſecretaries or agents on oath by laſt of Feb. yearly of abſentees 6 months in the year,

or diſabled.

III. *ſect.* 4. This act ſhall not extend to charge the tax or duty of four ſhillings ſterling a year, on every twenty ſhillings, upon the ſalaries, penſions, fees, or profits of employment, payable to any of the deſcendants of your Majeſty's royal grandfather, or to the lord lieutenant, or chief governor, or to his principal ſecretary, or duke of Brunſwick, prince Ferdinand, the duke and dutcheſs of Athol, the repreſentatives of lord Hawke, or to George Charles, eſquire, if your Majeſty ſhall think fit by your ſign manual to exempt any of them from payment of the ſame; nor ſhall the ſame extend to officers of the army, ſo far as reſpects the pay ariſing from their regimental commiſſions; nor to half pay officers on the eſtabliſhment, or to widows of officers.

Perſons exempted.

Acceſſaries.

I. *Stat.* 10 *C.* 1. *cap.* 19. *ſect.* 2. Where any murder or felony ſhall be committed in one county, and there ſhall be acceſſary or acceſſaries in any manner to ſuch murder or felony in another county in this realm, or in any other part or place out of this realm, that then an indictment found againſt ſuch acceſſary or acceſſaries before the juſtices of peace, or others appointed to enquire of felonies, ſhall be as effectual in law, as if the principal offence had been committed within the ſame county where the indictment againſt ſuch acceſſary or acceſſaries ſhall be found. And upon ſuit made to the juſtice or juſtices of goal delivery or oyer and terminer, of or in ſuch county where the offence of ſuch acceſſary or acceſſaries ſhall be committed, ſhall write to the *cuſtos Rotulorum* where ſuch principal has been attainted or convicted, whether ſuch principal be attainted, convicted, or diſcharged of ſuch principal felony; who ſhall then make ſufficient

Indictment of acceſſaries in one county to Murder or Felony in another good,

clerks of the Crown to certify to judges whether principal attainted or diſcharged.

ficient certificate in writing under their ſeal or ſeals to the ſaid juſtice or others whether ſuch principal be attainted, convicted, or diſcharged or not, and after ſuch certificate, that then the juſtice or others ſhall proceed upon every ſuch acceſſary in the county where he or they became acceſſary, as if ſuch principal offence and acceſſary had been committed in the ſame county.

If acceſſary out of the kingdom indictment where principal tried.

And in caſe that ſuch offence of acceſſary or acceſſaries ſhall happen to be committed out of this kingdom, that then an indictment found againſt ſuch acceſſary or acceſſaries, before the juſtices or others in ſuch county where the principal offender ſhall receive his trial, ſhall be as good in law as if the ſaid offences of acceſſary or acceſſaries had been committed in the ſame county where the indictment was found.

Acceſſaries to receive ſuch trial, judgment &c. as uſed in other caſes of treaſon, &c.

II. *ſect.* 3. And every acceſſary ſhall anſwer upon their arraignments, and receive ſuch trial, judgment, orders, and execution, and ſuffer ſuch forfeitures, pains, and penalties, as is uſed in other caſes of treaſon, murder, man-ſlaughters, or other felonies.

Account.

Executors, &c. of guardians.

I. *Stat.* 6. *Ann. cap.* 10. *ſect.* 28. Actions of account may be maintained againſt the executors and adminiſtrators of every guardian, bailiff and receiver.

Joint tenants.

(2.) And alſo by one joint-tenant, and tenant in common, his executors and adminiſtrators, againſt the other, as bailiff, for receiving more than his ſhare, and againſt the executor and adminiſtrator of ſuch.

Allowance to auditors.

(3.) And the auditors appointed by the court ſhall adminiſter an oath, and examine the parties; and for their pains have ſuch allowance as the court ſhall adjudge reaſonable, to be paid by the party on whoſe ſide the balance ſhall be.

Actions Popular.

Informations on penal Stat. ſhall be proved where offence committed.

I. *Stat.* 10 & 11 *Car.* 1. *cap.* 11. *ſect.* 1. All offences againſt any penal ſtatute, for which any common informer or promoter may ground any popular action, or information, ſhall be commenced, and determined by way of action, plaint, bill, information, or indictment, or before the juſtices of aſſize, juſtices of *niſi prius*, juſtices of *oyer* and *terminer*, and juſtices of goal-delivery, or before the juſtices of peace of every county, city, borough, or town corporate, and liberty, having power to enquire of, hear, and determine the ſame, wherein ſuch offences ſhall be committed in any of the courts, places of judicature, or liberties aforeſaid only, at the choice of the parties who ſhall proſecute for the ſame, and not elſewhere; ſave only in the ſaid counties or places uſual for thoſe counties.

Proceſs as in treſpaſs.

(2.) And like proceſs upon every popular action, information or ſuit, to be proſecuted, be had and awarded, as in an action of treſpaſs *vi & armis* at common law; and all informations, and ſuits, to be commenced either by the attorney-general, or other perſon, in any of his Majeſty's courts of *Dublin*, for any the offences, penalties, or forfeitures aforeſaid, ſhall be void.

County where offence was committed.

II. *ſect.* 2. In all informations to be exhibited, and in all bills, counts, plaints and declarations, in any action, or ſuit, to be commenced againſt any perſons on behalf of the King, or any other, for any offence againſt any penal ſtatute, the offence ſhall be laid in the county where ſuch offence was in truth committed, and not elſewhere.

Jury how to find.

(3) And if the defendant plead not guilty, and the plaintiff, or informer, upon evidence to the jury that ſhall try ſuch iſſue, ſhall not both prove the offence laid in the ſaid information, and that the offence was committed in that county, the defendants ſhall be found not guilty.

Filing information.

III. *ſect.* 3. No officer in any court of record, ſhall receive, file, or enter of record, any information, count or declaration, grounded upon penal ſtatutes, which by this act are appointed to be heard and determined in their proper counties, until the informer or relator hath firſt taken a corporal oath before ſome of the judges of that court, that the offences laid in ſuch information, or plaint, were not committed in any other county, than where by the ſaid information, count or declaration, the ſame are ſuppoſed to have been committed, and that he believeth in his conſcience, the offence was committed within a year before the information or ſuit within the ſame county, where the ſaid information or ſuit was commenced, the ſame oath to be there entered of record.

Oath of informer.

Plead general iſſue, and give ſpecial matter in evidence.

IV. *ſect.* 4. If any information, ſuit, or action ſhall be brought againſt any perſons, for any offence againſt any penal law, either on behalf of the King or any other, or on behalf of the king and any other, it ſhall be lawful for ſuch defendants to plead the general iſſue, and to give ſuch ſpecial matter in evidence to the jury that ſhall try the ſame; which matter being pleaded, had been ſufficient in law to have diſcharged the defendants againſt the ſaid information, ſuit or action: and the ſaid matters ſhall be then as available to them, as if they had ſufficiently pleaded the ſame matter in bar, or diſcharge of ſuch information, ſuit, or action.

Champerty &c. excepted.

V. *ſect.* 5. This act ſhall not extend to any information, ſuit, or action, brought for maintainance, champerty, or buying of titles, nor for concealing or defrauding the King of any cuſtom, tunnage, poundage, ſubſidy, impoſt, or priſage, or for tranſporting of gold, ſilver, ordnance, powder, ſhot, munition, wool, wool-fells, or leather.

Sheriffs not making deputies.

(2.) Nor to any action, bill, plaint, or information, grounded upon the ſtatute 23 *Hen.* 6. *cap.* 10. againſt any ſheriff, for not making yearly a deputy in the King's court of chancery, chief-place, common place, and exchequer, to receive writs and warrants, to be delivered them; but that ſuch action or information may be brought into any of the King's courts at *Dublin*; and ſuch offences may be laid to be in the county, at the pleaſure of any informer.

Additions.

In original writs, *etc.*

I. *Eng. Stat.* 1 *Hen.* 5. *cap.* 5. *ſect.* 1. In every original writ of actions perſonal, appeals and indictments, in which the exigent ſhall be awarded; to the names of the defendants additions ſhall be made of their eſtate, degree or myſtery, and the towns, hamlets, or places, and the counties whereof they were or be, or in which they be or were converſant.

Proceſs void.

(2) And if by proceſs upon original writs, *&c.* in which the ſaid additions be omitted, any outlawries be pronounced, they ſhall be void. And before outlawries pronounced, the ſaid writs and indictments ſhall be abated by exception of the party.

Surpluſage.

II. *ſect.* 2. Provided, that tho' the ſaid writs do not accord with the records and deeds, by the ſurpluſage of the additions, that for that cauſe they be not abated.

Omitting additions.

(2) And the clerks of the chancery, under whoſe names ſuch writs ſhall go forth, ſhall not leave out the additions, upon pain to be puniſhed, and to make a fine to the King by diſcretion of the chancellor.

Additional

Additional Duties. See Duties.

Admeasurement of Dower. See Dower.

Adminiſtrators.

I. *Eng. Stat.* 31 *Edw.* 3. *cap.* 11. Where a man dieth inteſtate, the ordinaries ſhall depute the next and moſt loyal friends to adminiſter his goods, which deputies ſhall have action to demand and recover as executors, the debts due to the inteſtate, and ſhall anſwer alſo to other in the ſame manner as executors, and ſhall be accountable to the ordinaries as executors.

Ordinary to depute the next friends.

II. *Stat.* 28 *Hen.* 8. *cap.* 18. *ſect.* 9. In caſe any die inteſtate, or that the executors named refuſe to prove the ſaid teſtament, the ordinary, or other perſons having authority, ſhall grant the adminiſtration of the goods of the teſtator or perſon deceaſed, to the widow of the perſon deceaſed, or to the next of his kin, or to both, as by the diſcretion of the ſame ordinary ſhall be thought good, taking ſurety of them for true adminiſtration of the goods, chattels, and debts, which they ſhall be ſo authorized to miniſter.

Widow or next of kin.

III. *ſect.* 10. Where divers perſons claim the adminiſtration as next of kin, which be equal in degree of kindred to the deceaſed, and where any perſon only deſireth the adminiſtration as next of kin, where indeed divers perſons be in equality of kindred, in every ſuch caſe the ordinary to be at his election and liberty to accept any one or more, making requeſt.

The ordinary may elect.

IV. *ſect.* 11. Where divers do require the adminiſtration, or where but one or more of them, and not all being of equality of degree, do make requeſt, then the ordinary to admit the widow and him or them only making requeſt, or any one of them at his pleaſure, taking nothing for the ſame.

May admit them, making requeſt.

V. *ſect.* 12. Such perſons to whom adminiſtration ſhall be committed, where any perſon died inteſtate or by way of inteſtate, calling or taking to them ſuch perſons, two at the leaſt, to whom the perſon ſo dying was indebted, or made any legacy, and upon their refuſal or abſence two other honeſt perſons, being next of kin to the perſon ſo dying, and in their default or abſence two other honeſt perſons, and in their preſence, and by their diſcretions, ſhall make a true and perfect inventory of all the goods, as well moveable as not moveable, that were of the deceaſed, and the ſame ſhall cauſe to be indented, whereof the one part ſhall be by the ſaid adminiſtrators, upon their oaths to be taken before the ordinaries, their official or commiſſaries, or other perſon having power, to be good and true, and the ſame one part indented ſhall be delivered into the keeping of the ordinary, or other perſons, having power to take probate of teſtaments, and the other part to remain with the adminiſtrator. (*Eng.* Stat. 21 *Hen.* 8. *cap.* 5.)

Inventory to be made.

Indenture and upon oath.

VI. *Stat.* 7 *Will.* 3. *cap.* 6. *ſect.* 1. All ordinaries, as well the judge of the prerogative court of the archbiſhop of Armagh, as all other ordinaries, and eccleſiaſtical judges, and every of them having power to commit adminiſtration, ſhall upon their granting adminiſtrations of the goods of perſons dying inteſtate, take and require of the perſons to whom any adminiſtration is to be committed, ſufficient bonds, with two or more able ſureties, reſpect being had to the value of the eſtate in the name of the ordinary, with the condition following, *mutatis mutandis*, viz.

Bonds with two or more ſureties.

The

Jury how to find.

(3) And if the defendant plead not guilty, and the plaintiff, or informer, upon evidence to the jury that ſhall try ſuch iſſue, ſhall not both prove the offence laid in the ſaid information, and that the offence was committed in that county, the defendants ſhall be found not guilty.

Filing information.

III. *ſect.* 3. No officer in any court of record, ſhall receive, file, or enter of record, any information, count or declaration, grounded upon penal ſtatutes, which by this act are appointed to be heard and determined in their proper counties, until the informer or relator hath firſt taken a corporal oath before ſome of the judges of that court, that the offences laid in ſuch information, or plaint, were not committed in any other county, than where by the ſaid information, count or declaration, the ſame are ſuppoſed to have been committed, and that he believeth in his conſcience, the offence was committed within a year before the information or ſuit within the ſame county, where the ſaid information or ſuit was commenced, the ſame oath to be there entered of record.

Oath of informer.

Plead general iſſue, and give ſpecial matter in evidence.

IV. *ſect.* 4. If any information, ſuit, or action ſhall be brought againſt any perſons, for any offence againſt any penal law, either on behalf of the King or any other, or on behalf of the king and any other, it ſhall be lawful for ſuch defendants to plead the general iſſue, and to give ſuch ſpecial matter in evidence to the jury that ſhall try the ſame; which matter being pleaded, had been ſufficient in law to have diſcharged the defendants againſt the ſaid information, ſuit or action: and the ſaid matters ſhall be then as available to them, as if they had ſufficiently pleaded the ſame matter in bar, or diſcharge of ſuch information, ſuit, or action.

Champerty &c. excepted.

V. *ſect.* 5. This act ſhall not extend to any information, ſuit, or action, brought for maintainance, champerty, or buying of titles, nor for concealing or defrauding the King of any cuſtom, tunnage, poundage, ſubſidy, impoſt, or priſage, or for tranſporting of gold, ſilver, ordnance, powder, ſhot, munition, wool, wool-fells, or leather.

Sheriffs not making deputies.

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Additions.

In original writs, *etc.*

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Proceſs void.

(2) And if by proceſs upon original writs, *&c.* in which the ſaid additions be omitted, any outlawries be pronounced, they ſhall be void. And before outlawries pronounced, the ſaid writs and indictments ſhall be abated by exception of the party.

Surpluſage.

II. *ſect.* 2. Provided, that tho' the ſaid writs do not accord with the records and deeds, by the ſurpluſage of the additions, that for that cauſe they be not abated.

Omitting additions.

(2) And the clerks of the chancery, under whoſe names ſuch writs ſhall go forth, ſhall not leave out the additions, upon pain to be puniſhed, and to make a fine to the King by diſcretion of the chancellor.

Additional Duties. See Duties.

Admeasurement of Dower. See Dower.

Administrators.

I. *Eng. Stat.* 31 *Edw.* 3. *cap.* 11. Where a man dieth intestate, the ordinaries shall depute the next and most loyal friends to administer his goods, which deputies shall have action to demand and recover as executors, the debts due to the intestate, and shall answer also to other in the same manner as executors, and shall be accountable to the ordinaries as executors.

Ordinary to depute the next friends.

II. *Stat.* 28 *Hen.* 8. *cap.* 18. *sect.* 9. In case any die intestate, or that the executors named refuse to prove the said testament, the ordinary, or other persons having authority, shall grant the administration of the goods of the testator or person deceased, to the widow of the person deceased, or to the next of his kin, or to both, as by the discretion of the same ordinary shall be thought good, taking surety of them for true administration of the goods, chattels, and debts, which they shall be so authorized to minister.

Widow or next of kin.

III. *sect.* 10. Where divers persons claim the administration as next of kin, which be equal in degree of kindred to the deceased, and where any person only desireth the administration as next of kin, where indeed divers persons be in equality of kindred, in every such case the ordinary to be at his election and liberty to accept any one or more, making request.

The ordinary may elect.

IV. *sect.* 11. Where divers do require the administration, or where but one or more of them, and not all being of equality of degree, do make request, then the ordinary to admit the widow and him or them only making request, or any one of them at his pleasure, taking nothing for the same.

May admit them, making request.

V. *sect.* 12. Such persons to whom administration shall be committed, where any person died intestate or by way of intestate, calling or taking to them such persons, two at the least, to whom the person so dying was indebted, or made any legacy, and upon their refusal or absence two other honest persons, being next of kin to the person so dying, and in their default or absence two other honest persons, and in their presence, and by their discretions, shall make a true and perfect inventory of all the goods, as well moveable as not moveable, that were of the deceased, and the same shall cause to be indented, whereof the one part shall be by the said administrators, upon their oaths to be taken before the ordinaries, their official or commissaries, or other person having power, to be good and true, and the same one part indented shall be delivered into the keeping of the ordinary, or other persons, having power to take probate of testaments, and the other part to remain with the administrator. (*Eng.* Stat. 21 *Hen.* 8. *cap.* 5.)

Inventory to be made.

Indenture and upon oath.

VI. *Stat.* 7 *Will.* 3. *cap.* 6. *sect.* 1. All ordinaries, as well the judge of the prerogative court of the archbishop of Armagh, as all other ordinaries, and ecclesiastical judges, and every of them having power to commit administration, shall upon their granting administrations of the goods of persons dying intestate, take and require of the persons to whom any administration is to be committed, sufficient bonds, with two or more able sureties, respect being had to the value of the estate in the name of the ordinary, with the condition following, *mutatis mutandis*, viz.

Bonds with two or more sureties.

The

Condition of the bonds,

to make an inventory,

exhibit it at a certain day,

truly adminiſter,

and a true account,

pay and deliver reſidue,

if any will ſhall appear & approved to deliver the letters of adminiſtration on requeſt.

The condition of this obligation is ſuch, that if the within bounden A. B. *adminiſtrator of all and ſingular the goods, chattels, and credits of* E. D. *deceaſed, do make, or cauſe to be made, a true and perfect inventory of all and ſingular the goods and chattels, and credits of the ſaid* E. D. *deceaſed, which have, or ſhall come to the hands, poſſeſſion or knowledge of him the ſaid* A. B. *or into the hands or poſſeſſion of any other perſon or perſons for him, and the ſame ſo made do exhibit, or cauſe to be exhibited in the regiſtry of* [illegible] *at or before the day of next enſuing, and the ſame goods, chattels, and credits, and all other the goods, chattels and credits of the ſaid deceaſed, at the time of his death, which at any time hereafter ſhall come to the hands or poſſeſſion of the ſaid* A. B. *or into the hands or poſſeſſion of any other perſon or perſons for him, do well and truly adminiſter according to law; and further do make, or cauſe to be made a true and juſt account of his ſaid adminiſtration, at or before the day of and all the reſt and reſidue of the ſaid goods, chattels, and credits, which ſhall be found remaining upon the ſaid adminiſtrators account, the ſame being firſt examined and allowed of, by the judge or judges for the time being of the ſaid court; ſhall deliver and pay unto ſuch perſon or perſons reſpectively, as the ſaid judge or judges, by his or their decree or ſentence, purſuant to the true intent and meaning of this act, ſhall limit and appoint: and if it ſhall hereafter appear, that any laſt will or teſtament was made by the ſaid deceaſed, and the executor or executors therein named do exhibit the ſame into the ſaid court, making requeſt to have it allowed and approved accordingly, if the ſaid* A. B. *within bounden, being thereunto required, do render and deliver the ſaid letters of adminiſtration, approbation of ſuch teſtament being firſt had and made in the ſaid court, then this obligation to be void and of none effect, or elſe to remain in full force and virtue.*

Such bonds good and pleadable.

Which bonds are hereby declared to be good in law, and pleadable in any courts of juſtice.

Ordinaries may call adminiſtrators to account & make diſtribution.

VII. *ſect.* 2. And the ſaid ordinaries and judges ſhall proceed againſt, and call ſuch adminiſtrators to account, and upon hearing thereof, order and make equal diſtribution of what remaineth, after all debts, funeral charges, and juſt expences of every ſort firſt allowed, amongſt the wife and children, or childrens children, if any ſuch be.

Adminiſtrators may be compelled to pay.

(2) Otherwiſe to the next of kindred to the dead perſon, in equal degree, or legally repreſenting their ſtocks, according to law and the rules hereafter ſet down, and compel ſuch adminiſtrators to pay the ſame by due courſe of the eccleſiaſtical laws; ſaving to every one their right of appeal, as was in ſuch caſes uſed.

One third to the wife,

children and repreſentatives of children.

VIII. *ſect.* 3. All ordinaries, and every perſon enabled to make diſtribution of the ſurpluſage of the eſtate of any inteſtate, ſhall diſtribute one third part of the ſaid ſurpluſage to the wife of the inteſtate, and the reſidue by equal portions amongſt the children of ſuch inteſtate, and ſuch perſons as legally repreſent any of the ſaid children, in caſe any of the ſaid children be then dead, other than ſuch children, not being heir at law, who ſhall have any eſtate by the ſettlement of the inteſtate, or ſhall be advanced by the inteſtate in his life-time by portions, equal to the ſhare which ſhall by ſuch diſtribution be allotted to the other children.

Except children advanced in the life time of inteſtate.

(2) And in caſe any child, other than the heir at law, who ſhall have any eſtate by ſettlement from, or ſhall be advanced by the ſaid inteſtate in his life-time by portion, not equal to the ſhare which ſhall be due to the other children by ſuch diſtribution, then ſo much of the ſurpluſage of the eſtate of ſuch inteſtate, to be diſtributed to ſuch children as ſhall have any land by ſettlement from,

from, or were advanced in the lifetime of the inteſtate, as ſhall make the eſtate of all the children to be equal.

(3) But the heir at law, notwithſtanding any land which he ſhall have by deſcent or otherwiſe from the inteſtate, is to have an equal part in the diſtribution with the reſt of the children, without any conſideration of the value of lands which he hath by deſcent or otherwiſe from the inteſtate. Heir at law entitled to a ſhare.

(4) And in caſe there be no children, nor any legal repreſentatives of them, then one moiety to be allotted to the wife of the inteſtate; the reſidue to be diſtributed equally to every of the next of kindred of the inteſtate, in equal degree, and thoſe who legally repreſent them. One moiety to the wife.

IX. *ſect.* 4. There ſhall be no repreſentations admitted amongſt collaterals after brothers and ſiſters children. Collaterals.

(2) And in caſe there be no wife, then all the eſtates to be diſtributed equally amongſt the children. If there be no wife.

(3) And in caſe there be no child, then to the next of kindred in equal degree of the inteſtate, and their legal repreſentatives. If there be no child.

X. *ſect.* 5. No ſuch diſtribution ſhall be made, 'till after one year after the inteſtate's death. A year after death.

(2) And every perſon to whom any diſtribution ſhall be allotted ſhall give bonds with ſufficient ſureties in the ſaid courts; which bonds ſhall be likewiſe good in law, and pleadable in any courts of juſtice, that if any debts truly owing by the inteſtate, ſhall be afterwards recovered, or otherwiſe duly made to appear, that he or ſhe ſhall reſpectively refund to the adminiſtrator, his or her rateable part of ſuch debts, and of the coſts of ſuit and charges of the adminiſtrator by reaſon of ſuch debt, out of the part and ſhare allotted to him or her, to enable the adminiſtrator to ſatisfy the ſaid debts. Bonds to refund.

XI. *ſect.* 6. In all caſes where the ordinary hath uſed heretofore to grant adminiſtration *cum teſtamento annexo*, he ſhall continue ſo to do, and the will of the deceaſed in ſuch teſtament expreſſed, ſhall be performed and obſerved in ſuch manner as if this act had never been made. (*Eng.* Stat. 22 *Car.* 2. *cap.* 10.) Cum teſtamento annexo.

XII. *ſect.* 7. Neither this act, nor any thing therein contained, ſhall extend to the eſtates of *femes covert* that ſhall die inteſtate, but their huſbands may demand and have adminiſtration of their rights, credits, and other perſonal eſtates, and recover and enjoy the ſame, as they might have done before the making of this act. (*Eng.* Stat. 29 *Car.* 2. *cap.* 3.) Feme coverts.

XIII. *ſect.* 8. No adminiſtrator ſhall be cited into any of the courts in this act mentioned, to render an account of the perſonal eſtates of his inteſtate, otherwiſe than by an inventory thereof, unleſs it be at the inſtance of ſome perſon in behalf of a minor, or having a demand out of ſuch eſtate as a creditor, or next of kin, and ſhall not be compellable to account before the ordinaries or judges by this act impowered and appointed to take the ſame, otherwiſe than as is aforeſaid. Suits to render an account.

XIV. *ſect.* 9. If after the death of a father, any of his children ſhall die inteſtate without wife or children in the lifetime of the mother, every brother and ſiſter, and the repreſentatives of them, ſhall have an equal ſhare with her. (*Eng.* Stat. 1 *Jac.* 2. *cap.* 17.) Mother and brothers, *etc.* to ſhare.

XV. *ſect.* 10. It ſhall be lawful for any adminiſtrator of the goods unadminiſtered of *the* firſt teſtator or inteſtate to ſue forth writs of *ſcir. fac.* upon judgments obtained in the names of *the firſt* executor or adminiſtrator, and have the advantage of ſuch judgments, as fully as ſuch executor or adminiſtrator might have had if they had ſued forth ſuch writs upon any ſuch judgment. Adminiſtrator de bonis non.

XVI.

Cuſtom declared to be void.

XVI. *ſect.* 11. Whereas it has been held, that there is a certain cuſtom, that if any perſon die poſſeſſed of any perſonal eſtate, and having at the time of his death a wife, or children, that the eſtate is to be divided into three equal parts, one third to the wife, another to the children, and the other third part only to be ſubject to the diſpoſition of the deceaſed by his laſt will, or to go in a courſe of adminiſtration in caſe he die inteſtate; and if he leave a wife only, and no children, then the eſtate to be divided, one moiety to go to the wife, and the other moiety only to be ſubject to his diſpoſition by will, otherwiſe to go in a courſe of adminiſtration, in caſe he die inteſtate: and in like manner, if he ſhall leave children, and no wife, the ſaid cuſtom ſhall from henceforth be abſolutely null and void.

Executors in their own wrong.

XVII. *ſect.* 12. All executors and adminiſtrators of perſons who as executors in their own wrong, or as adminiſtrators ſhall waſte or convert aſſets of any perſon deceaſed, to their own uſe, ſhall be liable to make good the ſame, out of the aſſets of ſuch teſtator or inteſtate.

Admiralty.

Things done within the realm.

I. *Eng. Stat.* 13 *Rich.* 2. *cap.* 5. The admirals, or their deputies, ſhall not meddle with any thing done within this realm, but only upon the ſea.

Contracts and wreck.

II. *Eng. Stat.* 15 *Rich.* 2. *cap.* 3. *ſect.* 1. The admirals court ſhall not have cognizance of contracts or other things ariſing within the bodies of counties, as well by land as by water, nor wreck of the ſea.

Death of a man as maihem.

III. *ſect.* 2. Of the death of a man, and of a maihem done in great ſhips hovering in the main ſtream of great rivers, beneath the *ports* * near the ſea, and in no other place of the ſame rivers, the admiral ſhall have cogniſance; and likewiſe to arreſt ſhips in great fleets, for the great voyages of the King and kingdom; and ſhall alſo have juriſdiction in ſuch fleets during ſuch voyages: ſaving to the King his forfeitures, and to lords, cities, and boroughs, their liberties and franchiſes.

* *So it is read in the* old abridgment. *The other readings, of* points *in the* French *editions and* Pulton, *and* bridges *in the record and moſt* Engliſh *editions, are hardly reconcileable to the conſtruction of the ſtatute.*

St. 13 *R.* confirmed.

IV. *Eng. Stat.* 2 *Hen.* 4. *cap.* 11. *ſect.* 1. The ſtatute of 13 *Rich.* 2. *cap.* 5. is confirmed.

Damages.

V. *ſect.* 2. The party grieved againſt the form of that ſtatute, ſhall (by action upon this caſe) recover double damages againſt the proſecutor in the admiralty, and the proſecutor ſhall alſo forfeit ten pounds to the King.

Sentence upon appeal.

VI. *Eng. Stat.* 8 *Eliz. cap.* 5. A ſentence definitive in a civil and marine cauſe by delegates, appointed by commiſſion (upon an appeal made in chancery) ſhall be final.

Commiſſioners of the admiralty.

VII. *Eng. Stat.* 2 *Will. & Mar. ſeſſ.* 2. *cap.* 2. *ſect.* 2. It is declared, that all juriſdictions and powers, which by act of parliament, or otherwiſe, are inveſted in the lord high admiral of *England*, have always appertained to commiſſioners of the admiralty, as if they were lord high admiral.

VIII. *Stat.*

Admiralty.

VIII. *Stat.* 11 *Geo.* 2. *cap.* 6. *ſect.* 5. Nothing in this act contained ſhall extend to certifying beyond the ſeas, any caſe or proceedings in the court of admiralty; but in ſuch caſes the commiſſions and proceedings may be certified in Latin. Commiſſions, &c. in admiralty may be in Latin.

Ad quod Damnum.

I. *Eng. Stat.* 27 *Edw.* 1. *cap.* 4. To obtain licence to make a park, to amortize lands, to purchaſe a Fair, Market, Warren, or any other liberty, the writ of *ad quod damnum* ſhall iſſue out of chancery to enquire concerning the ſame. In what caſes the writ of *ad quod damnum* ſhall lie.

Advowſons.

I. *Eng. Stat. Weſtm.* 2. 13 *Edw.* 1. *cap.* 5. *ſect.* 1. Whereas when any, having no right, had preſented to any church, whoſe clerk was admitted, the true patron could not recover his advowſon, but by writ of right, whereby heirs within age, by fraud or negligence of their guardians, and heirs both of full age and within age, by negligence or fraud of tenants by the curteſy, tenants in dower, for term of life, or for years, or in fee-tail, were many times diſherited, or driven to their writ of right: it is provided, that ſuch preſentments ſhall not be ſo prejudicial to the right heirs, but that at the next avoidance after that the heir ſhall be come to full age, or that the advowſon ſhall revert unto the heir being of full age, he ſhall have the ſame action by a poſſeſſory writ of advowſon, which the laſt anceſtor of that heir, being of full age, ſhould have had at the laſt avoidance happening in his time, or before the demiſe was made for term of life, or in fee-tail. Recital of miſchiefs. Remedy by writ.

(2) The ſame ſhall be obſerved in preſentments made unto churches, being of the inheritance of women under the power of their huſbands. Women under coverture.

(3) Alſo biſhops, and other eccleſiaſtical men, ſhall be aided by this ſtatute, in caſe any having no right, preſent unto the churches belonging to their prelacies, dignities, or parſonages, what time ſuch prelacies, *&c.* be vacant. Biſhops and prelates.

II. *ſect.* 2. Yet ſhall not ſuch perſons have the recovery aforeſaid, ſaying that the guardians, tenants by the curteſy, *&c.* did faintly defend the pleas; becauſe that the judgment given in the King's courts ſhall not be annulled; but ſhall ſtand in force, until it be reverſed as erroneous, or the aſſize of *darreine preſentment*, or the inqueſt in the *quare impedit*, annulled by attaint, or by certification, which ſhall be freely granted. Judgments not to be annulled.

(2) And from henceforth in writs of *darreine preſentment*, or *quare impedit*, if the defendant alledge plenarty of his own preſentation, the plea ſhall not ſtay, ſo as the writ be purchaſed within ſix months, though he cannot recover his preſentation within ſix months. Plenarty alledged.

(3) And ſometimes, where a fine is levied between many claiming one advowſon, that one of them ſhall preſent the firſt time, and at the next avoidance another; and when one hath had his preſentment, and at the next avoidance, he to whom the ſecond preſentation belongeth, is diſturbed by any that was party to the ſaid fine or in his ſtead: it is provided, that he that is ſo diſturbed ſhall have no need to ſue a *quare impedit*, but ſhall reſort to the fine. Several claiming an advowſon.

(4) And if the ſaid agreement be found in the roll, then the ſheriff ſhall be commanded, Agreement found in the roll.

commanded, that he give knowledge unto the diſturber, that he be ready at ſome ſhort day, containing the ſpace of fifteen days or three weeks (as the place happeneth to be near or far) to ſhew if he can alledge any thing, wherefore the party diſturbed ought not to preſent.

Recovery with damages.

(5) And if he come not, or can nothing alledge to bar the party of his preſentation, by reaſon of any deed made ſince the fine levied, he ſhall recover his preſentation with damages.

Heir diſturbed.

(6) And where, after the death of the anceſtor that preſented, the ſame advowſon is aſſigned in dower, or to tenant by the curteſy, which do preſent, and after the death of ſuch tenants, the true heir is diſturbed to preſent when the church is void; it is provided, that it ſhall be in the election of the party diſturbed, whether he will ſue by *quare impedit*, or *darreine preſentment*. The ſame ſhall be obſerved in advowſons demiſed for term of life, or years, or in fee-tail.

Damages in *quare impedit*, &c.

III. *ſect.* 3. In *quare impedit*, and *darreine preſentment*, damages ſhall be awarded, to wit, if ſix months paſs by ſuch let, ſo that the biſhop do preſent, and the true patron loſeth his preſentation for that time, damages ſhall be awarded for two years value of the church.

Impriſonment of diſturbers.

(2) And if the ſix months be not paſſed, but that the preſentment be recovered, then damages ſhall be awarded to the half year's value of the church. And if the diſturber have not whereof he can recompenſe the damages (in caſe where the biſhop preſenteth by lapſe) he ſhall be puniſhed by two years impriſonment; and if the advowſon be recovered within the half year, the diſturber ſhall be puniſhed by impriſonment of half a year.

Writs for chapels, &c.

IV. *ſect.* 4. Writs ſhall be granted for chapels, prebends, vicarages, hoſpitals, and other houſes, which be of the advowſons of other men, that have not been uſed to be granted before.

Writs of *indicavit*.

(2) And when the parſon of any church is diſturbed to demand tithes in the next pariſh by writ of *indicavit*, the patron of the parſon ſo diſturbed ſhall have a writ to demand the advowſon of the tithes in demand, and when that is tried, then ſhall the plea paſs in the court chriſtian, ſo far as it was tried in the King's court.

Parceners.

V. *ſect.* 5. When an advowſon deſcendeth unto parceners, though one preſent twice, yet he that was negligent ſhall not be barred, but another time ſhall have his turn to preſent.

Advowſons of the King.

VI. *Eng. Stat.* prærog. Reg. 17 *Edw.* 2. *cap.* 8. Of churches vacant, the advowſons whereof belong to the King, and others preſent, if the King recover his preſentation, though it be after the ſix months from the time of the avoidance, no time ſhall prejudice him, ſo that he do preſent within ſix months.

Preſenting in another's right.

VII. *Eng. Stat.* 25 *Edw.* 3. *Stat.* 3. *cap.* 3. When the King ſhall make collation or preſentment to any benefice in any other's right, the title whereupon he groundeth himſelf ſhall be well examined.

Patrons ſhall have writs.

(2) And at what time before judgment the title be found untrue or unjuſt, the collation or preſentment thereof made ſhall be repealed. And the patron or poſſeſſor, which ſhall prove the falſe title, ſhall have thereupon writs out of the chancery, as many as ſhall be needful.

Preſentation by lapſe.

VIII. *Eng. Stat.* 25 *Edw.* 3. *Stat.* 3. *cap.* 7. When ordinaries have given a benefice by lapſe, and the King taketh his ſuit againſt the patron, which perchance will ſuffer that the King ſhall recover in deceit of the ordinary or the poſſeſſor

in such case, and all other cases like, where the King's right is not tried, the ordinary or possessor shall be received to counterplead the title taken for the King.

Presentee of the King.

IX. *Eng. Stat.* 13 *Rich.* 2. *Stat.* 1. *cap.* 1. If the King present to any benefice full of any incumbent, the presentee of the King shall not be received by the ordinary till the King hath recovered his presentment by process of law.

Incumbent put out.

(2) And if any presentee of the King be otherwise received, and the incumbent put out, the said incumbent shall begin his suit within a year after the induction of the King's presentee.

Remedy.

X. *Eng. Stat.* 4 *Hen.* 4. *cap.* 22. If any incumbent be put out of his benefice by the King's presentee, without process, the said incumbent may sue for his remedy by the *Statute* 13 *Rich.* 2. *cap.* 1. and begin his suit within the year, or after, at his will, notwithstanding the term limited by the said statute.

King may collate, &c. but not to prejudice the rightful patron on the next avoidance.

XI. *Stat.* 28 *Hen.* 8. *cap.* 15. *sect.* 8. Any presentation, collation, nomination, or gift made by the King, his heirs and successors, shall not prejudice him or them that at the time of such presentment had right, title, or interest to the same; but they and every of them shall, when such benefice, &c. shall next become void, present, &c. or give the same as if no nomination or presentment had been made by the King, &c.

Power to erect one vicarage of one vicar in every parish church.

XII. *Stat.* 33 *Hen.* 8. *cap.* 14. *sect.* 1. Certain persons are by this act empowered to erect, ordain and incorporate, one vicarage of one vicar in every parish church they shall think convenient, which shall have succession in every of the same vicarages, as vicar in him and his successors for ever.

The King to enjoy the advowson as united to his Crown.

XIII. *sect.* 2. After the establishment of every such vicarage, and after the admission and institution of every such vicar or vicars in the same, the King, his heirs and successors, shall enjoy the advowson, &c. of every such vicarage, to have and to hold every such advowson, &c. of the said vicarages unto the King, his heirs and successors for ever, as united to his and their imperial crown.

Sec. 1. cap. 18. After which any person may augment benefices, &c. whereof advowsons belong to archbishops, &c.

XIV. *Stat.* 1 *Geo.* 2. *cap.* 18. *sect.* 2. After certain requisites performed, which are contained in the first section of this chapter, it shall be lawful for any person or persons, bodies politic or corporate, to endow or augment any living, benefice, or curacy, whereof the advowsons, right of patronage, &c. shall belong to any archbishop, bishop, dean, or dean and chapter respectively, which shall be under or of the yearly value of thirty pounds, and not more, with any lands, tythes, tenements or hereditaments of the clear yearly value of thirty pounds or more: provided such augmentation shall not exceed the sum of seventy pounds *per annum*; and after such augmentation, the person or persons who shall so augment the same, if made with the consent of the archbishop, &c. who shall at the time of such augmentation, be seised of or entitled to the advowson right of patronage, &c. to such endowed or augmented benefice, by settling lands, tythes, &c. to and upon the rector, vicar, or curate of such benefice, &c. for the use of him and his successors, shall for ever after be deemed and taken to be the true and only patron or patrons of such augmented benefice. And it shall be lawful for all archbishops, &c. who are or shall be at or before such augmentation entitled to the advowson, right of patronage, &c. to such augmented benefice, are hereby authorised to convey the advowson, &c. to such augmented bene-

Persons augmenting by conveying lands, &c. to incumbents and successors entitled to the advowson.

fice, &c. to the perſon or perſons endowing or augmenting the ſame, his and their heirs and aſſigns for ever.

Several joining in augmentation ſhall preſent by turns.

XV. *ſect.* 3. Where two or more perſons join or contribute to the endowment or augmentation of any benefice, &c. ſuch perſons, their heirs and aſſigns reſpectively ſhall preſent or nominate to ſuch benefice, &c. by them endowed and augmented by turns in ſuch manner as in the deed of augmentation ſhall be mentioned.

One eſſoign only allowed.

XVI. *Stat.* 1 *Geo.* 2. *cap.* 23. *ſect.* 1. No more than one eſſoign ſhall be allowed on any writ of *quare impedit*, but the defendants being duly ſummoned to appear upon the day mentioned in the writ, and not appearing by themſelves, or their attorneys, an attachment ſhall immediately iſſue, and at the return of the attachment, the grand diſtreſs in order to compel the defendants to appear.

Account of profits

XVII. *ſect.* 2. In all caſes where the King, or other patrons, ſhall recover in *quare impedit*, it ſhall be lawful for the clerk of the King, and of ſuch patrons ſo recovering, and for the executors and adminiſtrators of ſuch clerks to prefer their bills in the chancery, or exchequer, againſt the clerk defendant in the ſaid *quare impedit*, whether of the King's preſentation, or of the preſentation or collation of any other perſon, his executors and adminiſtrators, for an account of the profits of the benefice ſo recovered, from the time the defendants in *quare impedit* ſhall be returned to have been ſummoned to appear in the ſuit, on which ſuch recovery ſhall be had; and the chancery and exchequer ſhall decree a reaſonable value of the ſaid profits againſt ſuch clerk defendant, his executors and adminiſtrators, unleſs the clerk defendant, his executors and adminiſtrators, ſhall before ſuch ſuit, voluntarily make oath in writing before the ordinary of the dioceſe in which ſuch living ſhall lie, what he ſet the ſame for, or made thereof, *bona fide*, and ſhall offer to account for the ſame, and make payment, in which caſe the clerk of the party recovering, ſhall be concluded by ſuch oath, and receive the meſne profits accordingly, ſubject to the allowances and deductions in this act contained.

Meſne profits on oath.

Judgment on writ of error.

XVIII. *ſect.* 4. Where judgment ſhall be given upon demurrer, and the defendants in *quare impedit*, ſhall not acquieſce in the ſaid judgment, but ſhall bring writs of error, the clerk defendant in the ſaid *quare impedit*, ſhall upon affirmation of the judgment in that court where ſuch writ of error is brought, be accountable in the manner aforeſaid, to the clerk of the plaintiff in *quare impedit*, for all the profits of ſuch benefices ſo recovered from the time of the obtaining of the ſaid judgment upon demurrer.

Allowance to curates during conteſt.

XIX. *ſect.* 5. It ſhall be lawful for the biſhop or ordinary of the dioceſe where ſuch benefice doth lie, or for the guardians of the ſpiritualities, to allocate by any writing under their hands and ſeals yearly, during the time ſuch benefices ſhall be conteſted, any ſum not exceeding ſixty pounds *per annum*, except where there were curates ordinarily employed in the pariſh, before the vacancy, in which caſe the biſhop may make a reaſonable allowance for every ſuch curate.

Allocation by the ordinary.

(2) Provided ſuch allowance to every ſuch curate does not exceed thirty pounds *per annum*, if ſuch curate ſhall be licenſed and actually employed in ſuch cure during the ſuit, unleſs the third part of the annual profits of ſuch benefice ſhall exceed that ſum, in which caſe it may be lawful for the ordinary, to allocate any ſum not exceeding the third part of the annual profits of ſuch benefice, and ſo proportionably for every leſs ſpace of time, to be paid to ſuch clerk defendant having actual cure of ſouls, and ſerving the ſaid cure by himſelf, or his curate licenſed by the ordinary of the dioceſe, or to ſuch other curate who ſhall

ſhall be duly appointed to ſerve the cure thereof, in caſe of vacancy and ſequeſtration.

(3) Which allocation and ſervice of the cure, being certified under the hand and ſeal of the biſhop, ordinary, or guardians of the ſpiritualities, ſuch ſums ſhall be allowed in the aforeſaid account of the profits. Allowed in the account.

XX. *ſect.* 6. No uſurpation upon any avoidance in any eccleſiaſtical promotion, ſhall diſplace the eſtate or intereſt of any perſon entitled to the advowſon or patronage thereof, or turn it to a right, but he or ſhe that would have a right if no uſurpation had been, may preſent or maintain his or her *quare impedit*, upon any other avoidance if diſturbed, notwithſtanding ſuch uſurpations. Uſurpations.

(2) And if coparceners or joint tenants, or tenants in common, be ſeized of any eſtate of inheritance in the advowſon of any eccleſiaſtical promotion, and a partition ſhall be made between them, to preſent by turns, every one ſhall be adjudged to be ſeized of his or her ſeparate part of the advowſon, to preſent in turn, as if there be two, and they make ſuch partition, each ſhall be ſaid to be ſeized, the one of the one moiety to preſent in the firſt turn, the other of the other moiety to preſent in the ſecond turn; in like manner, if there be more, every one ſhall be ſaid to be ſeized of his or her part, and to preſent in turn. (*Britiſh Stat.* 7 *Ann. cap.* 18. Partitions, &c.

This Statute is made perpetual by Stat. 13 *Geo.* 2. *cap.* 4.

Affidavits.

I. *Stat.* 4 *Will. & Mar. cap.* 4. *ſect.* 2. The chief juſtice and other the juſtices of the court of King's bench, or any two of them, whereof the chief juſtice, to be one for the ſaid court of King's bench, and the chief juſtice of the common-pleas, and the reſt of the juſtices there, or any two of them, whereof the chief juſtice to be one for the ſaid court of common-pleas, and alſo the lord treaſurer, chancellor, and barons of the court of exchequer, or any two of them, whereof the lord-treaſurer, chancellor, or chief baron, to be one for the ſaid court of exchequer, may by commiſſions under their hands and the ſeveral ſeals of the ſaid reſpective courts, from time to time, impower ſuch perſons as they, or any two of them as aforeſaid, ſhall think fit in the ſeveral counties of this kingdom, to take and receive affidavits, concerning any cauſe depending, or any ways concerning any proceedings, to be in any of the ſaid reſpective courts. Commiſſioners to be appointed.

(2) And any judge of aſſize in his circuit may take any affidavits concerning any cauſe, or concerning any proceedings, to be in the ſaid courts, and all affidavits taken as aforeſaid, ſhall be of the ſame force, as affidavits taken in the ſaid reſpective courts now are. Judges of Aſſize in circuit.

II. *ſect.* 3. For the ſwearing and taking of ſuch affidavit, the perſons ſo impowered or taking the ſame, ſhall receive only the fee of one ſhilling ſterling. Fees for ſwearing.

III *ſect.* 4. Every perſon ſwearing falſely in ſuch affidavit, ſhall be liable unto the ſame penalties as if ſuch affidavit had been made or taken in open court. (*Eng. Stat.* 29 *Car.* 2. *cap.* 5.) Penalty for falſe ſwearing.

IV. *ſect.* 5. No affidavit taken by any commiſſioners authorized as aforeſaid, ſhall be read or made uſe of, in any of the courts aforeſaid, unleſs the commiſſioner or perſon that take the ſame mention in the caption thereof, as well the day when, as alſo the place and county where the ſame was ſworn. The day, place, and county.

V. *ſect.*

To be filed in courts.

V. *ſect.* 6. Affidavits taken as aforeſaid, ſhall not be read or made uſe of, in any of the ſaid courts, before the ſame be filed in the reſpective courts.

Commiſſioners of appeals,

VI. *Stat.* 1 *Geo.* 3. *cap.* 7. *ſect.* 14. It ſhall be lawful for the commiſſioners of appeal, or any two of them, by commiſſion under their hands and ſeals, from time to time, to authorize ſuch perſons as they ſhall think fit, in the ſeveral counties of this kingdom, to be commiſſioners to take affidavits, concerning any cauſe depending, or other proceedings in cauſes of appeal, before the commiſſioners of appeal, and all affidavits taken as aforeſaid, ſhall be of the ſame force as affidavits taken before the ſaid commiſſioners of appeal; and for the ſwearing

Fees for ſwearing.

and taking of every ſuch affidavit, the perſons ſo impowered, or taking the ſame, ſhall receive a fee of one ſhilling and ſix-pence, and no more.

Swearing falſely.

VII. *ſect.* 15. Every perſon who ſhall make ſuch affidavit, and ſhall be lawfully convicted of having wilfully, falſely and corruptly ſworn any thing in ſuch affidavit contained, ſhall be ſubject to the ſame penalties and forfeitures, as by the laws are enacted againſt perſons convicted of wilful and corrupt perjury.

Caption of the affidavit.

VIII. *ſect.* 16. No affidavit taken by any commiſſioner authorized as aforeſaid, ſhall be read or made uſe of before the commiſſioners of appeal, unleſs the perſon that takes the ſame, mentions in the caption thereof, the day of the month when, and alſo the place and county where the ſame ſhall be ſworn, and that he knows the deponent, or has been credibly informed that he is the real perſon mentioned and deſcribed in ſuch affidavit.

Commiſſioners of Bankruptcy impowered to take affidavit.

IX. *Stat.* 11 & 12 *Geo.* 3. *cap.* 8. *ſect.* 18. At meeting of commiſſioners of bankruptcy, commiſſioners authoriſed to to take affidavits or affirmations from perſons authorized by letters of attorney to prove debts under ſaid commiſſion of perſons who live remote from ſaid place of meeting.

Affinity. See Juries.

Aid of the King.

Feoffment by the King.

I. *Eng. Stat.* de bigamis, 4 *Edw.* 1. *cap.* 1. Where a feoffment, with a charter thereupon being made by the King, hath ſo much in it, that another perſon by a like feoffment, and like deed, ſhould be bound to warranty, the juſtices may not proceed without the King's commandment.

Confirmation.

II. *Eng. Stat.* de bigamis, 4 *Edw.* 1. *cap.* 2. But where the King confirmeth or ratifieth another's act in another man's thing, or granteth any thing as much as in him is, or where a deed is ſhewed, whereby the King hath rendered any tenement, and no clauſe of warranty is contained therein, and in like caſes (the ſame being ſhewed to the King) the juſtices may proceed. (*See* Petition of Right.)

Diſſeiſees.

III. *Eng. Stat.* 1 *Hen.* 4. *cap.* 8. In caſe lands be granted by the King's patent without title found, where the King's entry is not given by law; the diſſeiſees ſhall have a ſpecial aſſize of the chancellor's grant, without other ſuit to the King: and if the patentees pray in aid, a *procedendo* ſhall be granted by the chancellor without other ſuit to the King; and in caſe the diſſeiſees recover againſt the patentees, they ſhall have treble damages.

Aid to the King and Subsidies.

I. *Stat.* 25 *E.* 1. *cap.* 5. En Aid &c. given voluntarily by the people shall not be drawn into custom, nor shall the King take such aids but by the consent of the realm.

Grants by consent not to become a custom.

Ale and Beer. See Beer.

Ale Houses. See Licence.

Alienation.

I. *Stat.* 14 & 15 *C.* 2. *cap.* 19. *sect.* 11. Any thing in this act contained shall not take away tenures in frank almoine, or subject them to any greater services than they now are, nor change any tenure by copy of court roll or any services incident thereto.

Fines for alienation by particular custom not taken away.

Aliens. See Naturalization.

Alms House.

I. *Stat.* 12 *G.* 1. *cap.* 10. *sect.* 12. Any archbishop, bishop or dean, with the consent of the bishop of the diocess under his episcopal seal, may set apart for one or more alms house or houses, upon any convenient place of his mensal lands, or other lands out of lease, so much thereof (not exceeding one acre for any one alms house) as may be sufficient for that use, and may convey the same by proper deeds to the church wardens of the parish and their successors for ever, for the use of an alms house and for no other purpose; such deed to be registered in the registries of the said archbishop or bishop; which deeds shall be full and effectual conveyances in law, so long as they continue for the use of such alms houses and no longer.

Bishop or deans with consent erecting alms houses may convey 1 acre of mensal or lands out of lease for one alms house by deed to church wardens, registered.

Alnager.

I. *Stat.* 17 & 18 *C.* 2. c. 15. *sect.* 2. Alnage office appointed; chief officer called his Majesty's alnager, constituted by letters patent under the great seal for years or life as his Majesty thinks fit, and such officer may execute the said office by himself or by deputy or deputies.

Alnager's office constituted by patent for years or life.

Amendments and Jeofails.

I. *Eng. Stat.* 14 *Edw.* 3. *Stat.* 1. *cap.* 6. By the misprisions of clerks, no process shall be annulled or discontinued, by mistaking one letter or one syllable too much or too little; but as soon as the thing is perceived, it shall be amended.

Misprision of clerks.

II. *Eng.*

Juſtices may amend.

II. *Eng. Stat.* 9 *Hen.* 5. *cap.* 4. The juſtices before whom ſuch plea or record is made, or ſhall be depending, as well by adjournment as by way of error, or otherwiſe, ſhall have power to amend ſuch record and proceſs, as well after judgment, as before.

Made perpetual, Eng. ſtat. 4 *Hen.* 6. *cap.* 3.

Proceſs of outlawry.

III. *Eng. Stat.* 4 *Hen.* 6. *cap.* 3. The ſaid ſtatutes ſhall not extend to records or proceſs whereby any perſon ſhall be outlawed at any man's ſuit.

No reverſal of judgment.

IV. *Eng. Stat.* 8 *Hen.* 6. *cap.* 12. *ſect.* 1. For error in any record, proceſs or warrant of attorney, original writ or judicial, panel or return, in any places raſed or interlined, or in any addition or diminution found in any ſuch record, *&c.* (which raſings, *&c.* at the diſcretion of the judges of the courts, in which the ſaid records and proceſs, by writ of error, or otherwiſe, be certified, do appear ſuſpected) no judgment nor record ſhall be reverſed or annulled.

Exception of appeals, *&c.*

V. *ſect.* 2. The judges of the courts, in which any record, *&c.* ſhall be, ſhall have power to examine ſuch record, *&c.* and to amend in affirmance of judgments, all that in their diſcretion ſeemeth to be miſpriſion of the clerk; except appeals, indictments of treaſon and felonies, and outlawries of the ſame, and the ſubſtance of proper names, ſurnames, and additions left out in original writs, and writs of *exigent*, according to the ſtatute 1 *Hen.* 5. *cap.* 5. and in other writs containing proclamation.

Variance of records.

And if any record, *&c.* be certified defective, otherwiſe than according to the writing which thereof remaineth in the places from whence they be certified, the parties, in affirmance of the judgment, ſhall have advantage to alledge variance betwixt the ſame writing and the ſaid certificate. And, that found and certified, that ſame variance ſhall be by the judges amended according to the firſt writing. *See ſect.* 3. *under title* Records.

Errors in exemplifications.

VI. *ſect.* 4. If any ſuch record, *&c.* ſhall be exemplified in chancery, and ſuch exemplification there inrolled, without any raſing, then for any error aſſigned in the ſaid record, *&c.* contrary to the ſaid exemplification and inrolment, there ſhall be no judgment reverſed.

Defaults in records.

VII. *Eng. Stat.* 8 *Hen.* 6. *cap.* 15. The juſtices before whom any miſpriſion or default ſhall be found in any records and proceſs hanging before them, as well by way of error as otherwiſe, or in the returns of the ſame made by ſheriffs, coroners, bailiffs, or any other by miſpriſion of the clerks, or of the ſheriffs, *&c.* ſhall have power to amend ſuch defaults and miſpriſions by their diſcretion, and by examination thereof by the juſtices; this ſtatute not to extend to proceſſes and records of outlawries of felonies and treaſons.

Variance in writs of error.

VIII. *Stat.* 6 *Geo.* 1. *cap.* 6. *ſect.* 1. All writs of error now depending, or to be brought wherein there ſhall be any variance from the original record, or other defect, may be amended and made agreeable to ſuch record, or the tranſcript thereof, by the court where the ſame are returnable; and where any verdict hath been, or ſhall be given in any action, *&c.* in any court of record, the judgment thereof ſhall not be ſtayed or reverſed, for any fault in form or ſubſtance, in any bill or writ, or for any variance, in ſuch writs, from the declaration or other proceedings.

Appeals of murder, *&c.*

IX. *ſect.* 2. Nothing herein contained, ſhall extend to any appeal of murder, or other proceſs upon any indictment, preſentment or information.

Amerce-

Amercements.

I. *Eng. Stat.* Magna Charta. 9 *Hen.* 3. *cap.* 14. A freeman ſhall not be amerced for a ſmall offence, but after the quantity of the offence. And for a great offence after the manner thereof; ſaving his contenement. And a merchant ſhall be amerced; ſaving his merchandize. And none of the ſaid amercements ſhall be aſſeſſed, but by the oath of good and loyal men of the vicinage. Earls and barons ſhall not be amerced but by their equals and after the quantity of their treſpaſs. No man of the church ſhall be amerced after the rate of his ſpiritual benefice, but after his lay tenement, and after the quantity of his treſpaſs.

Small offences.

Merchants.

Earls and barons.

Men of the church.

II. *Eng. Stat.* Marleber 52 *Hen.* 3. *cap.* 18. No eſcheator, commiſſioner, or juſticer, aſſigned to take aſſizes, or to hear and determine matters, ſhall have power to amerce for default of common ſummons, but the chief juſtices, or the juſtices in eyre in their circuits.

Default of ſummons.

III. *Eng. Stat.* Weſtm. 1. 3 *Ed.* 1. *cap.* 6. No city, borough, town, or man, ſhall be amerced without reaſonable cauſe, and according to the treſpaſs, *viz.* every freeman ſaving his freehold, a merchant ſaving his merchandiſe, and that by their peers.

Cities and boroughs.

IV. *Stat.* 25 *Hen.* 6. *cap.* 8. No lord of parliament ſhall be amerced in pleas real or perſonal otherwiſe than any other perſon.

Amercements of lords of parliament.

Annuities.

I. *Stat.* 13 & 14 *Geo.* 3. *cap.* 5. *ſect.* 1. If any perſons natural-born ſubjects or foreigners, ſhall, within the ſeveral times, and in manner herein after particularly mentioned, pay into his Majeſty's treaſury in Ireland, any ſum or ſums of money not exceeding in the whole two hundred and ſixty-five thouſand pounds, to be ſubſcribed by them in ſums of one hundred pounds each, there ſhall be paid to ſuch perſons ſo paying and advancing the ſame reſpectively, their executors, adminiſtrators, or aſſigns, or to the perſon or perſons legally authorized by them to receive the ſame, by the hands of the vice-treaſurer or vice-treaſurers, paymaſter or receiver-general, his or their deputy or deputies, annuities of ſix pounds *per annum* for each and every hundred pounds ſo ſubſcribed and paid, for and during the lives of the perſons to be nominated by the perſons ſubſcribing and paying the ſaid ſum and ſums reſpectively, together with ſuch additional intereſt as ſhall accrue by ſurviviorſhip in manner herein after provided; and that the ſaid annuities ſhall commence from the 25th day of December 1773, and ſhall be paid half-yearly in equal portions on every 24th day of June and 25th day of December in every year.

Amended by c. 7.

annuities at 6 per cent. paid at the treaſury to ſubſcribers for 265000l. at 100l. each, for lives of nominees by ſubſcribers, with additional intereſt by ſurvivorſhip, in London paid by perſons appointed, c. 7. ſect. 2,

to commence 25 Dec. 1773, half yearly, 24 June & 25 Dec.

II. *ſect.* 2. Every ſubſcription of one hundred pounds to be paid on or before the 24th day of July in the year 1774, at or before which laſt mentioned time all and every perſon and perſons, having compleated the payment of the ſum or ſums by him, her, or them ſubſcribed reſpectively, ſhall name ſuch perſon or perſons, as he, ſhe, or they ſhall think proper, to be the perſon or perſons for and during whoſe life or lives the ſaid annuity or annuities with the ſaid benefit of ſurviviorſhip ſhall be reſpectively paid, and every ſubſcriber may ſubſcribe and pay as many ſums of one hundred pounds

Annuitants named by 24 July 1774.

ſubſcribers as many 100l. as they think fit,

pounds each, as he or ſhe ſhall think fit; and all perſons ſubſcribing and paying as aforeſaid, may name to the vice treaſurer or vice treaſurers paymaſter or receiver general, his or their deputy or deputies for the time being, one or more life or lives at his, her, or their diſcretion for the ſum or ſums by him, her, or them ſubſcribed and paid; ſo as no more lives than one be named for each diſtinct ſum of one hundred pounds ſo ſubſcribed and paid; and every perſon ſo ſubſcribing and paying, or their executors, adminiſtrators, or aſſigns, ſhall receive ſuch annuity or intereſt as aforeſaid, together with ſuch benefit of ſurvivorſhip as is herein after provided, for every hundred pounds ſubſcribed and paid as aforeſaid, during the life ſo named for every ſuch ſum of one hundred pounds reſpectively; and every ſuch ſubſcriber may name one and the ſame life for ſo many of ſuch ſeveral and diſtinct ſums of one hundred pounds each, ſo ſubſcribed and paid, as ſuch ſubſcriber ſhall think fit; and the ſeveral nominees in the ſaid life-annuities ſhall be divided by the vice treaſurer or vice treaſurers, paymaſter or receiver-general, his and their deputy and deputies, into three ſeparate claſſes; the firſt claſs to conſiſt of perſons of the age of forty years and upwards; the ſecond of twenty years and upwards, but under forty; and the third of perſons under the age of twenty years. And the entire intereſt of the entire ſum ſo to be advanced by perſons ſubſcribing in any of the ſaid claſſes, computing ſuch intereſt at the rate of ſix pounds by the hundred by the year, ſhall go to, and be divided among the perſons ſo ſubſcribing, in proportion to the ſums by them reſpectively ſubſcribed and paid, as the nominees in ſuch claſs ſhall die, until by benefit of ſurvivorſhip the annuity payable to each ſubſcriber ſhall amount to a ſum equal to, but never to exceed, the entire principal ſum originally advanced and paid by each ſubſcriber; and the remainder of the ſaid intereſt from time to time, as it ſhall accrue, ſhall be applied to the credit of the nation; and to avoid fractional diviſions, and the expence and difficulty of keeping long and intricate accounts, no diſtribution of any ſum or ſums, ſo accruing by ſurvivorſhip in any of the ſaid claſſes, ſhall be made to the ſubſcribers in ſuch claſs, until ſuch ſum or ſums, ſo accrued by the fall of lives in ſuch claſs, ſhall be ſufficient to pay an additional intereſt of one half *per cent.* to the ſeveral perſons, who ſhall be then entitled to receive the ſame:

may name one or more lives,

ſo as only one each 100l.

annuities with ſurvivorſhip during life of nominee for each 100l.

may name the ſame life for ſeveral 100l.

3 claſſes of nominees,

1ſt, 40 years and upwards,
2d, 20,
3d, under 20,

divided in proportion to ſubſcription as nominees in each claſs die, till by ſurvivor each annuity equal but never to exceed principal advanced,

remainder to credit of the nation,

no diſtribution by ſurvivorſhip, till ſufficient to pay additional half per cent.

III. *ſect.* 3. In the office of the vice-treaſurer or vice-treaſurers, paymaſter or receiver-general, his or their deputy or deputies, there ſhall be provided and kept one or more book or books, in which ſhall be fairly entered the names of all, who ſhall be ſubſcribers, and of all perſons by whoſe hands the ſaid ſubſcribers ſhall pay any of the ſaid ſums, and alſo of the ſeveral ſums ſo paid, and the time when the ſame are reſpectively paid; the ſaid entry to be made upon payment of the ſaid ſums; and alſo in the ſaid books there ſhall be entered the ſeveral nominees, and the ages of ſuch nominees for whoſe lives reſpectively the ſaid annuities ſhall be payable at the times when the ſame ſhall be nominated as aforeſaid; to which books it ſhall be lawful for the reſpective ſubſcribers, their executors, adminiſtrators, and aſſigns, from time to time, at all ſeaſonable hours, to have reſort and to inſpect the ſame without fee or reward; and as well the ſaid ſeveral ſubſcribers as nominees ſhall be deſcribed in ſaid books by their names and ſir-names, additions, places of abode, and other deſcriptions which ſhall beſt aſcertain the perſons; and every ſubſcriber upon compleating the payment of one or more hundred pounds as aforeſaid, ſhall immediately receive from the officers of his Ma-

Books kept, ſubſcribers names entered, and ſums paid, by whom, and when,

and nominees, and their ages,

reſorted to without fee,

deſcribed ſo as to aſcertain perſons,

debentures on compleating payment,

jeſty's

jesty's treasury one or more debenture or debentures, in which shall be mentioned and expressed the names and sir-names, additions, places of abode, ages, and other descriptions of the nominee or nominees, and also the receipt of the consideration money, for which the subscriber shall receive one or more annuity or annuities, with such benefit of survivorship as aforesaid, during the life or lives of such nominee or nominees, whether such nominee be the subscriber or any other person.

with description of nominee, and receipt, annuities paid, whether nominee subscriber or not.

IV. *sect.* 4. It shall be lawful for any subscribers, their executors, administrators or assigns, at any time during the life or lives of their respective nominee or nominees, by any writing under hand and seal, or by their last will in writing, to assign or devise any one or more such share or shares as aforesaid, payable during the life or lives of such nominee or nominees respectively, as the case may be, to any person or persons, and so *toties quoties*; and no such assignments to be revokable, so as an entry or memorandum of such assignment or will, be made in books kept for that purpose in the office aforesaid within two months after such assignment or death of the devisor; and upon producing such assignment or the probate of such will in the office aforesaid, to be entered as aforesaid, the party so producing such assignment, shall bring therewith an affidavit taken before some person authorized to take affidavits in causes depending in any of the courts at the city of Dublin, or, in case the party assigning shall not reside in Ireland, before any person duly authorized to take the oath of the party, of the due execution of the said assignment, which affidavits shall be severally filed in the said office; which said entry or memorandum the said officers of treasury are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will, the interest of such subscriber shall go to his executors and administrators for the life of such nominee or nominees as the case may be.

Subscribers, executors, &c. may assign by deed or devise,

so *toties quoties*,

not revokable, entered in 2 months after assignment or death,

affidavit of execution produced and filed,

on default of assignment or devise, the interest to executors or administrators.

V. *sect.* 5. It shall be lawful for any guardian or trustee, having the disposal of the money of any infant under twelve years, for the use and benefit of such infant, to advance and pay with approbation of the lord chancellor, lord keeper, or keepers of the great seal for the time being, for the purposes aforesaid, the sum of one or more hundred pounds of the money of such infant, and thereupon, at such time and in such manner as is herein before appointed for the naming of lives, to name the said infant to be a nominee; and such infant upon payment of the said sum or sums shall become a subscriber within the meaning of this act, and be intitled to have and receive during his or her life, an annuity with benefit of survivorship in such manner and proportion as any other subscriber; and the said guardian or trustee, as to the said sum or sums so advanced, is hereby discharged, and shall be accountable only to the said infant for such annuity or annual interest, as he shall receive under this act.

Guardian or trustee of infant under 12, may pay, and name infant, with approbation of the chancellor, &c.

intitled as subscriber,

trust discharged as to so much, accountable only for annuity.

VI. *sect.* 6. All subscribers, their executors, administrators, or assigns, upon their demanding any half yearly payment of their respective annuities (unless the nominee appear in person at the time of demanding) shall, whenever the vice-treasurer or vice-treasurers, or paymaster general, their deputy or deputies, shall think proper to demand the same, produce a certificate of the life of their respective nominee, signed by the minister, or in his absence by the curate of the parish, where such nominee shall be then living, upon the day when the said half yearly payment shall become due, if such nominee shall be then residing in the kingdom of Ireland, which certificate the

Certificate by subscribers of nominee's life, if demanded, unless nominee appears,

signed by the minister or curate, if nominee in Ireland,

filed,

examination on oath of nominee's exiſtence.

If nominee beyond ſea, a baron's certificate on ſummary proof warrant for payment.

ſaid miniſter or curate is hereby required to make without fee or reward; and the ſaid certificate ſhall be filed in the office of vice-treaſurer or vice-treaſurers, paymaſter or receiver general, who are hereby authorized and required, whenever they find it neceſſary, to examine upon oath (which oath they are impowered to adminiſter) any perſon intitled to an annuity, or any other perſon whatſoever, touching the exiſtence of any nominee or nominees.

VII. *ſect.* 7. In caſe any nominee ſhall at the time of ſuch demand be reſident beyond the ſeas, and any one or more of the barons of the exchequer for the time being ſhall certify, that upon proof to him or them made (which proof they are authorized and required to take in a ſummary way) it doth ſeem probable to him or them, that the ſaid nominee is living (which certificate is to be given, and examinations made, without any fee or charge) the ſaid certificate, being filed as aforeſaid, ſhall be a ſufficient warrant for payment of the ſaid annuities half yearly to the reſpective ſubſcribers, their executors, adminiſtrators, or aſſigns.

On not demanding 3 years, annuity forfeited.

VIII. *ſect.* 8. In caſe any perſon, by intent of this act intitled to receive any annuity as aforeſaid, ſhall neglect or demand the ſame in manner aforeſaid for three years, he or ſhe ſhall for ever loſe and forfeit the ſame, as if his or her nominee had been dead at commencement of ſaid three years.

Half yearly accounts of nominees deaths and ſubſcribers defaults, 20 days before payment.

IX. *ſect.* 9. That it may appear upon every half yearly payment, unto and amongſt what perſons and in what proportions the ſaid annuities are to be diſtributed, in the ſaid office every half year, within twenty days before the reſpective days of payment, there ſhall be made up an account of the ſeveral nominees, whoſe deaths are come to knowledge, and of the ſeveral ſubſcribers who have made default in making demand as aforeſaid.

On demand knowingly for life not in being, treble to ſubſcriber of ſame claſs ſuing,

proof on demandant.

X. *ſect.* 10. If any perſons demand payment of any ſum for any life not in being, knowing the ſame expired, the perſon ſo making demand, ſhall, upon proof thereof forfeit treble the ſum ſo demanded to any of the remaining ſubſcribers in the ſame claſs, who will ſue for the ſame, by action of debt, bill, plaint, or information in any court of record at Dublin; in which no eſſoign, protection, wager of law, or any more than one imparlance allowed; and in every ſuit for ſaid ſum the proof of exiſtence of ſuch life at time of ſuch demand ſhall lie upon the perſon ſo demanding.

On payment after nominee's death, repayment for the claſs on requeſt of ſubſcriber;

on non payment in a month, treble to ſubſcriber ſuing;

XI. *ſect.* 11. If any perſon ſhall receive one or more half yearly payments of ſaid annuities, after death of any nominee for whoſe life ſuch annuity payable, it ſhall be lawful for any ſubſcriber in the claſs, in which ſuch nominee was named, to require the ſame to be repaid into the office of the vice-treaſurer, paymaſter, or receiver-general, deputy or deputies, for benefit of the ſubcribers in ſuch claſs; and in caſe of refuſal or neglect to pay in the ſame within one month after ſuch demand, ſuch perſon ſo refuſing or neglecting ſhall forfeit treble the ſum ſo received; by action of debt, bill, plaint, or information, in any courts of record at Dublin, in the name of ſuch ſubſcriber who ſhall make the demand as aforeſaid; in which action no eſſoign, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed; and upon the trial of ſaid action, the proof that the nominee or nominees were living at the time ſuch payment or payments, ſo required to be repaid, became due and payable as aforeſaid, ſhall lie on the ſubſcriber, or perſon to whom or for whoſe benefit the ſaid annuity was ſo paid.

proof of nominee's exiſtence on the party.

Nominee's death certified in a month after notice.

XII. *ſect.* 12. Subſcribers, their executors, adminiſtrators, and aſſigns, within one month next after notice of the death of their reſpective nominees, ſhall certify ſuch death to the vice-treaſurer, paymaſter, or receiver-general,

deputy

deputy or deputies; and ſhall alſo within three months after ſuch notice, deliver or cauſe to be delivered up their debenture, by which they were intitled during the life or lives of ſuch nominee or nominees to receive any annuities as aforeſaid, in caſe ſuch debenture be in their hands or power; and in default thereof ſuch ſubſcribers, their executors, adminiſtrators, or aſſigns ſhall forfeit twenty pounds; by action of debt, bill, plaint, or information in manner aforeſaid, and to the uſe of any perſon who ſhall ſue for the ſame.

debentures delivered up in three months, if in ſubſcriber's power;

penalty 20l. to proſecutor.

XIII. *ſect.* 13. And for better encouraging perſons to advance the ſaid ſum not exceeding two hundred and ſixty-five thouſand pounds upon the terms aforeſaid, all receipts and iſſues, and all other things directed by this act to be performed in the office of the vice-treaſurer or vice-treaſurers, paymaſter or receiver general, their deputy or deputies, ſhall be done and performed by the officers there without demanding or receiving directly or indirectly any fee, gratuity, or reward for the ſame.

No fee or reward to officers.

XIV. *ſect.* 14. Provided always that in caſe the vice-treaſurers, paymaſter or receiver general, their deputy or deputies, ſhall make payment of any ſuch annuity as aforeſaid upon ſuch certificate, as is before directed, ſuch officer ſhall not incur any penalty, forfeiture, or diſability, or be liable to any action of the ſubſcribers for doing thereof, though the ſaid certificate be forged or falſe, or the ſaid nominee be dead, unleſs the ſaid officer did know at the time of ſuch payment, that the ſaid nominee was dead, or that the ſaid certificate was forged or falſe.

No penalty on officer for payment on forged or falſe certificate, &c. unleſs knowingly.

XV. *ſect.* 15. All perſons reſiding in Ireland, who ſhall ſubſcribe one or more hundred pounds towards raiſing the ſaid ſum, not exceeding two hundred and ſixty-five thouſand pounds, ſhall at or before the time of nominating the life or lives, during which they ſhall be entitled to receive ſuch annual intereſt with the benefit of ſurvivorſhip, make oath, or being a quaker, ſolemn affirmation, before ſome juſtice of the peace of the county, or county of the city or town, where ſuch perſons ſo nominated ſhall reſide, to the following effect:

Oath or affirmation at or before nomination before a juſtice where nominee reſides.

I A. B. *do ſwear, that to the beſt of my belief,* C. D. *of the pariſh of in the county of* (or county of the city, or county of the town of as the caſe ſhall be) *ſon or daughter of now living or lately living in the pariſh of in the county of* (or county of the city or county of the town of) *the perſon nominated by me for whoſe life I have ſubſcribed the ſum of one hundred pounds* (or any greater ſum, as the caſe ſhall be) *is under the age of twenty years,* (or is of the age of twenty, and under the age of forty years, or is of the age of forty years and upwards, as the caſe ſhall be).

The oath, as to perſon of nominee, his abode, and age.

And if any ſubſcriber nominate his or her own life, ſuch ſubſcriber ſhall make oath or ſolemn affirmation before any juſtice of the peace of the county, or county of the city or town, where ſuch ſubſcriber ſhall reſide, to the effect aforeſaid, concerning his or her age reſpectively; which oath or affirmation, atteſted by two or more credible witneſſes, ſhall be delivered to the vice-treaſurers, paymaſter or receiver-general, or deputies, to be filed in the office, before any debenture iſſued to ſuch ſubſcriber or ſubſcribers; and if any ſuch ſubſcriber not reſident within this kingdom, an affidavit to the like effect, to be made before the principal magiſtrate or magiſtrates of the place where the perſons ſo making the ſame reſide, and atteſted by two or more credible witneſſes,

Like oath by ſubſcriber's nominee, witneſſes thereto, filed, before debenture iſſued, if ſubſcriber not reſident here, like affidavit before the principal magiſtrate where, &c.

es, ſhall be delivered to the ſaid vice-treaſurers, paymaſter or receiver-general, or to deputies, to be filed in the ſaid office, before any debenture ſhall be iſſued to ſuch ſubſcriber.

Surplus duties by 13 & 14 G. 3. applied to ſaid annuities;

XVI. *ſect.* 16. The ſurplus or exceedings of the aids and duties granted by an act paſſed in this ſeſſion, intituled, *An Act for granting unto his Majeſty the ſeveral duties, rates, impoſitions, and taxes therein particularly expreſſed, to be applied to pay an intereſt at the rate of four* per cent. per annum, *for ſuch part of the ſaid ſeveral principal ſums formerly borrowed, as ſhall remain unpaid on the twenty fifth day of December* 1773, *and to apply the ſurplus of the ſaid duties in ſuch manner, and for ſuch purpoſes, as ſhall be directed by parliament*, over and above what ſhall be ſufficient to diſcharge the intereſt therein mentioned and provided for, or ſo much of ſuch ſurplus or exceedings as ſhall be for that purpoſe neceſſary, ſhall be applied towards the payment of the ſeveral annuities to be granted to the ſeveral ſubſcribers who ſhall advance the ſaid ſum, not exceeding two hundred and ſixty-five thouſand pounds, or any part thereof as aforeſaid; and out of the reſidue five thouſand pounds yearly ſhall be paid by half yearly payments to the Dublin Society for the encouragement of trade, agriculture and manufactures in this kingdom, and the remaining ſurplus, if any, to be at the diſpoſal of parliament.

of the reſidue, 5000l half yearly to Dublin Society, remainder at diſpoſal of parliament.

No fees thereout to officers,

XVII. *ſect.* 17. Neither the ſixpence *per* pound, nor any other fee, ſhall be payable to, or be deducted or received by the vice-treaſurers, receiver or paymaſter general, clerk of the pells, or any other officer or officers of this kingdom, for or on account of the ſaid two hundred and ſixty-five thouſand pounds, to be raiſed by life-annuities, with benefit of ſurvivorſhip, or for or on account of the payment of any of the ſaid annuities; but all ſuch fees, as ſhall ariſe upon the iſſuing of the ſaid two hundred and ſixty-five thouſand pounds, or any part thereof, or upon any payment to be made thereout, ſhall be duly accounted for and paid to his Majeſty, his heirs and ſucceſſors.

ſuch fees duly accounted for to his majeſty.

Cap. 5. ſect. 1.

XVIII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 7. *ſect.* 1. Whereas the annuities, payable by an act, intitled, *An act for granting annuities in the manner therein provided, to ſuch perſons as ſhall voluntarily ſubſcribe towards the raiſing a ſum not exceeding the ſum of two hundred and ſixty five thouſand pounds*, are to be paid by the vice-treaſurer, paymaſter or receiver-general, or deputies: and whereas it hath been found, ſince paſſing ſaid act, that ſeveral perſons in Great Britain have been diſcouraged from ſubſcribing on account of the trouble and expence which may be occaſioned by obtaining remittances of their annuities to Great Britain; to remove this diſcouragement, and to place the ſubſcribers in Great Britain and Ireland upon an equal footing, it ſhall be lawful for the lord lieutenant, or chief governor, from time to time to appoint one or more perſon or perſons to pay in the city of London the annuities in ſaid act, according to the rate that money is current for in Ireland, for ſuch ſums as have been or ſhall be ſubſcribed, and for which the perſon, entitled to receive ſaid annuity, ſhall, at the time of compleating his ſubſcription, declare his intention of receiving his ſaid annuity in London; which ſaid annuities ſhall be paid without any deduction, abatement, or charge whatſoever, either for exchange or otherwiſe.

Recital,

to remove diſcouragement, and place ſubſcribers in Great Britain and Ireland on equal footing, chief governor may appoint perſons to pay the annuities in London without deduction, Iriſh currency, intent to receive in London declared at compleating ſubſcription.

XIX. *ſect.* 2. Vice-treaſurer, paymaſter, or receiver-general, or deputies, ſhall from time to time out of the duties, rates, impoſitions, and taxes, granted by an act of this ſeſſion, for payment among other things of the ſaid annuities, remit to the perſon or perſons ſo appointed, ſums of money ſufficient for the

Remittances out of the duties for punctual payment without charges.

the punctual and regular payment of said annuities in London, at the times mentioned in said act, without any charge, deduction, or abatement whatsoever.

XX. *sect.* 3. Whatever expences incurred by sending or remitting from time to time the said annuities from this kingdom to London, and payment there, shall be charged upon said duties, rates, impositions, and taxes; and whatever profit shall be made in way of exchange by remitting said sums, or any of them, shall be brought to credit of the nation.

Expences of remittance charged on said duties, profit by exchange to national credit.

XXI. *sect.* 4. The person or persons so appointed may, whenever he or they think proper, require from the subscriber or subscribers in London, their executors, administrators, or assigns, unless the nominee appear in person at the time of demanding the annuity, such certificate of the life of their respective nominee, signed by the minister, or in his absence by the curate of the parish where such nominee shall be living, on the day when the half yearly payment shall become due, in like manner as the vice-treasurer, paymaster, or receiver-general, or deputies may, where nominee residing in Ireland; and shall from time to time by all lawful means in their power examine touching the existence, and use their best endeavours to discover the deaths of any of the nominees of any said subscribers in London; and immediately after such discovery communicate the same to the treasury in this kingdom.

Appointees may on demand of annuity require certificate of nominee's life, unless in person signed by the minister or curate, and examine to existence and discover deaths and nominees, and communicate immediately to the treasury.

XXII. *sect.* 5. Such persons so appointed, shall, once every year, transmit to the treasury in this kingdom an account of all such annuities, as they shall pay in pursuance of this act, distinguishing respective times of payment, and the persons to whom paid.

And transmit yearly account of payments, times and persons.

XXIII. *sect.* 6. Fulfilled.

XXIV. *sect.* 7. This act shall continue until the twenty-fifth of December 1775, and no longer.

Continued to 25th Dec. 1775.

XXV. *Stat.* 15 & 16 *Geo.* 3. *cap.* 1. *sect.* 2. The several annuities granted by the recited act to the subscribers who advanced and paid two hundred and sixty-five thousand pounds, pursuant to said act; and to one other act passed in the same session, shall and may be regularly paid, as the same shall become due, according to the true intent and meaning of the recited acts.

Annuities to subscribers for 265000l. to be paid pursuant to 13 & 14 G. 3. c. 5 & 7.

XXVI. *sect.* 22. An act in the last session to explain and amend the act for granting annuities, shall continue until the 25th of December, 1777, and no longer; and the residue of the produce of said duties applied in such manner, and for such purposes, as shall be directed by parliament.

13 & 14 G. 3. c. 7. continued to 25 Dec. 1777.
Residue of duties as directed by parliament.

XXVII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 2. *sect.* 1. If any persons natural born subjects or foreigners, shall within the several times, and in manner herein after particularly mentioned, pay into his majesty's treasury in Ireland any sum or sums not exceeding in the whole one hundred and seventy-five thousand pounds, to be subscribed by them in sums of one hundred pounds each, there shall be paid to such persons so paying or advancing the same respectively, their executors, administrators, or assigns, or to the person or persons legally authorized by them to receive the same, by vice-treasurers, paymaster, or receiver-general, or deputies, annuities of six pounds *per annum*, for each and every hundred pounds so subscribed and paid, for and during the lives of the persons to be nominated by the persons subscribing and paying the said sums respectively, together with such additional interest as shall accrue by survivorship, in manner herein after provided; and said annuities shall commence from the 25th of December 1775, and

Annuities 6 per cent. paid at treasury to subscribers for 175000l. for lives of nominees by subscribers, with additional interest by survivorship.

to commence 25 Dec. 1775, paid half-yearly.

and be paid half yearly in equal portions on every 24th of June and 25th of December in every year.

Payment by 24 June, 1776,

annuitants named by 24 June, 1776,

XXVIII. *sect.* 2. Every such subscription of one hundred pounds, paid on or before the 24th of June, 1776; at or before which last mentioned time all and every subscriber, or assignee or assignees of such subscriber or subscribers, having compleated the payment of sums so subscribed, shall name, or cause to be named, in manner herein after mentioned, such person or persons as he, she, or they shall think proper, to be the person or persons, for and during whose life or lives the said annuity or annuities, with said benefit of survivorship shall be respectively paid; every subscriber may subscribe and pay as many sums of one hundred pounds each, as he or she shall think fit; and all persons subscribing and paying as aforesaid, or their assignees, may name to vice-treasurers, paymaster or receiver-general, or deputies, one or more life or lives, at their discretion, for the sum or sums so subscribed and paid, so as no more lives than one be named for one hundred pounds so subscribed and paid; every person so subscribing and paying his, her, or their assignee or assignees, or the executors, administrators, or assigns of such subscriber or subscribers, his, her or their assignee or assignees, as the case may be, shall receive such annuity or interest as aforesaid, together with such benefit of survivorship, as herein after provided for every hundred pounds subscribed and paid as aforesaid, during the life so named, for every such one hundred pounds respectively; every such subscriber, or assignee or assignees may name one and the same life for so many of such several and distinct sums of one hundred pounds each so subscribed and paid, as such subscriber, or assignee or assignees shall think fit; the several nominees in said life-annuities shall be divided by vice-treasurers, paymaster, or receiver-general, or deputies, into three separate classes; the first class to consist of persons of forty years and upwards; the second class of twenty years and upwards, but under forty; and the third of persons under twenty; the entire interest of the entire sum so advanced by persons subscribing in any of said classes, his, her, or their assignee or assignees, computing such interest at six pounds by the hundred by the year, shall go to and be divided among the persons so subscribing, or their assignees, in proportion to the sums so subscribed and paid, as the nominees in such class die; and the intire interest of the sum advanced shall be paid to the subscriber, his or her assignee or assignees, whose nominee shall be the survivor of the nominees of each class, during the life of such surviving nominee; and to avoid fractional divisions, and the expence and difficulty of keeping long and intricate accounts, no distribution of any sum so accruing by survivorship in any of said classes, shall be made to subscribers, or assignees of such subscribers in any such class, until such sum or sums so accrued by the fall of lives in such class shall be sufficient to pay an additional interest of one-half *per cent.* to the several persons, then entitled to receive the same; every subscriber, his or her assignee or assignees, who shall not compleat subscription within the times, and in manner aforesaid, shall forfeit the sum or sums by such subscriber, or assignees advanced, and the same shall be applied to the credit of the nation; if any subscriber or assignee of subscriber shall die before he, she, or they shall compleat the payment of the sums so subscribed respectively, the executors, administrators, or assigns of such subscriber or assignee may compleat the payment within the time aforesaid.

subscribers to as many 100l. as they please,

name one or more lives,

but one each 100l.

annuities with survivorship during life of nominee for each 100l.

same life may be named for several 100l.

3 classes of nominees,

1st of 40 years and upwards,

2d of 20, 3d under 20,

6 *per cent.* interest divided in proportion to sums subscribed as nominees in the class die, the entire interest to survivor,

no distribution by survivor till sufficient for additional half *per cent.*

subscriptions not compleated, forfeited,

to national credit,

executors, &c. of subscribers may compleat it.

XXIX. *sect.* 3. In the office of vice-treasurers, paymaster or receiver-general, or deputies, there shall be provided and kept one or more book or books, in which shall be fairly entered the names of all who shall be subscribers, and of all persons by whose hands said subscribers shall pay in any of said sums, and also of the several sums so paid, and the time when respectively paid; the said entry to be made upon

Books kept, subscribers names entered, sums paid, by whom, and when,

upon payment of the ſaid ſums; and alſo in the ſaid books there ſhall be entered the ſeveral nominees, and the ages of ſuch nominees for whoſe lives reſpectively ſaid annuities ſhall be payable, at the times when the ſame ſhall be nominated as aforeſaid; to which books it ſhall be lawful for the reſpective ſubſcribers, their executors, adminiſtrators, and aſſigns, from time to time, and at all ſeaſonable hours to have reſort, and to inſpect the ſame without fee or reward; and ſaid ſeveral ſubſcribers, or aſſignees of ſuch ſubſcribers, who ſhall have compleated the payment of ſums ſubſcribed, as the caſe ſhall happen, and ſaid nominees, ſhall be deſcribed in ſaid books by their names and ſir-names, additions, places of abode, and ſuch other deſcriptions as ſhall beſt aſcertain the perſons; and every ſubſcriber, or aſſignee, upon compleating the payment of one or more hundred pounds, as the caſe ſhall happen, ſhall immediately receive from the officer and officers of his majeſty's treaſury one or more debenture or debentures, in which ſhall be mentioned and expreſſed the name and ſir-name, addition, place of abode, age, and other deſcriptions of the nominee or nominees, and alſo the receipt of the conſideration-money for which ſuch ſubſcriber, his, or her aſſignee or aſſignees ſhall receive one or more annuity or annuities, with ſuch benefit of ſurvivorſhip as aforeſaid, during the life or lives of ſuch nominee or nominees, whether ſuch nominee be the ſubſcriber or any other perſon.

and nominees ages,

inſpected without fee,

the perſons aſcertained therein,

debentures on compleating payment, deſcription of nominees, and receipt,

annuities paid, whether nominee ſubſcriber or not.

XXX. *ſect.* 4. It ſhall be lawful for any perſons intitled to ſuch annuities, or their executors, adminiſtrators, or aſſigns, at any time during the life or lives of their reſpective nominees, by any writing under hand and ſeal, or laſt will in writing, to aſſign or deviſe any one or more ſuch ſhare or ſhares as aforeſaid, payable during the life or lives of ſuch nominee or nominees reſpectively, as the caſe may be, to any perſon or perſons, and ſo *toties quoties*; and no ſuch aſſignment to be revokable; ſo as an entry or memorandum of ſuch aſſignment or will be made in books, kept for that purpoſe in the office aforeſaid, within two months after ſuch aſſignment or death of the deviſor; upon producing ſuch aſſignment, or the probate of ſuch will in the office aforeſaid, to be entered as aforeſaid, the party ſo producing ſuch aſſignment ſhall bring therewith an affidavit taken before ſome perſon authorized to take affidavits in cauſes depending in any of the courts at Dublin; or in caſe the party aſſigning ſhall not reſide in Ireland, before any perſon duly authorized to take the oath of the party, of the due execution of ſaid aſſignment; which affidavit ſhall be ſeverally filed in ſaid office; which entry or memorandum the ſaid officers of treaſury are required to make accordingly, and to file ſaid affidavits; and in default of ſuch aſſignment or deviſe, the intereſt of the perſons intitled to ſuch annuities ſhall go to his, her, or their executors and adminiſtrators for the life of ſuch nominee or nominees, as the caſe may be.

Aſſignable by deed or deviſe,

not revokable, entered in 2 months after aſſignment or death of deviſor,

affidavit of execution produced and filed,

on default of aſſignment, to executors, &c.

XXXI. *ſect.* 5. It ſhall be lawful for any guardian or truſtee, having the diſpoſal of the money of any infant under twenty-one years, for the uſe and benefit of ſuch infant, to advance and pay, with approbation of the lord chancellor, lord keeper, or keepers of the great ſeal for the purpoſes aforeſaid, one or more hundred pounds of the money of ſuch infant, and thereupon, at ſuch time, and in ſuch manner, as is herein before appointed for the naming of lives, to name the ſaid infant to be a nominee; and ſuch infant, upon payment of ſaid ſum or ſums, ſhall become a ſubſcriber within the meaning of this act, and be entitled to have and receive, during his or her life, an annuity, with benefit of ſurviorſhip, in ſuch manner and proportion as any other ſubſcriber; and ſaid guardian or truſtee, as to ſums ſo advanced, is hereby diſcharged, and ſhall be accountable only to ſaid infant for ſuch annuity or annual intereſt as he ſhall receive under this act.

Guardian or truſtee may with lord chancellor's approbation pay and name the infant;

intitled as ſubſcriber,

truſt diſcharged as to ſo much.

Certificate of nominee's life, if demanded,

XXXII. *sect.* 6. And that all deceit in receiving any annuity as aforesaid may be prevented, and the advantage of survivorship fairly had, all persons entitled to such annuities, upon their demanding any half-yearly payment of their annuities, unless the nominee appear in person at time of demanding such annuity, shall, whenever vice-treasurers, paymaster, or receiver-general, or deputies, shall think proper to demand the same, produce a certificate of the life of his, her, or their respective nominee, signed by the minister, or in his absence, by the curate of the parish where such nominee shall be then living, upon the day when the said half-yearly payment shall become due, if such nominee shall be then residing in Ireland; which certificate said minister or curate is hereby required to make without fee or reward; and said certificate shall be filed in said office of vice-treasurers, paymaster, or receiver-general, or deputies, who are hereby authorized and required, whenever he or they shall find it necessary, to examine upon oath, which oath he or they are impowered to administer to any person entitled to an annuity, or any other person whatsoever, touching the existence of any nominee or nominees.

signed by the minister or curate, if nominee in Ireland, filed,

oath of nominee's existence.

If nominee beyond sea, a baron's certificate on summary proof, a warrant for payment.

XXXIII. *sect.* 7. In case any nominee shall at time of such demand be resident beyond seas, and any one or more of the barons of exchequer shall certify, that upon proof to him or them made, which proof he and they is and are hereby authorized and required to take in a summary way, it doth seem probable to him or them that the said nominee is living, which certificate is to be given, and examination made without any fee or charge, the said certificate being filed as aforesaid, shall be a sufficient warrant for payment of said annuity or annuities half-yearly to the persons so respectively intitled.

On no demand 3 years, forfeited.

XXXIV. *sect.* 8. In case any person, by the intent of this act, entitled to receive any annuity as aforesaid, shall neglect to demand the same in manner aforesaid, for three years, he or she shall for ever lose and forfeit the same, as if his or her respective nominee had been dead at commencement of said three years.

Half-yearly account of nominees deaths, and of defaults in 20 days before payment.

XXXV. *sect.* 9. That it may appear upon every half-yearly payment unto and amongst what persons, and in what proportions, the said annuities are to be distributed, in said office, every half year, within twenty days before respective days of payment, there shall be made up an account of the several nominees, whose deaths are come to knowledge, and of the several persons intitled to such annuities, who shall have made default in making demand as aforesaid.

On demand knowing the life expired, treble to annuitant of same class suing,

XXXVI. *sect.* 10. If any person shall demand payment of any sum for any life not in being, knowing the same to be expired, the person making such demand, shall, upon proof thereof, forfeit treble the sum so demanded, to any of the remaining persons intitled to annuities in the same class, who will sue for the same, to be recovered by action of debt, bill, plaint, or information, in any courts of record at Dublin, in which no essoign, protection, wager of law, or any more than one imparlance allowed; and in every suit for recovery of said sum, the proof of existence of such life at time of such demand shall lie upon the person so demanding the same.

proof of existence on demandant.

On payment after nominee's death repaid for the class on request by annuitant,

repaid in a month or treble;

XXXVII. *sect.* 11. If any person shall receive one or more half-yearly payments of said annuities, after death of any nominee or nominees for whose life or lives such annuities were payable, it shall be lawful for any person, intitled to an annuity in the class, in which such nominee was named, to require the same to be repaid into the office of vice-treasurers, paymaster, or receiver-general, or deputies, for benefit of the persons entitled to annuities in such class; and in case of refusal or neglect to repay the same within one month after such demand, such person so refusing or neglecting shall forfeit treble the sum so received, to be

be recovered by action of debt, bill, plaint, or information, in any his majesty's courts of record at Dublin, in the name of the person who shall have made such demand, in which action no essoign, protection, privilege, or wager of law, or more than one imparlance allowed; and upon trial of said action the proof, that the nominee or nominees were living at the time such payment, so required to be repaid, became due and payable as aforesaid, shall be on the person to whom, or for whose benefit, the said annuity was so paid.

proof of existence on the party.

XXXVIII. *sect.* 12. All persons entitled to such annuities within one month next after notice of death of his, her, or their respective nominee or nominees, shall certify such death to vice-treasurers, paymaster, or receiver-general, or deputies, and also within three months after such notice deliver or cause to be delivered up to said vice-treasurers, paymaster, or receiver-general, or deputies, the debenture or debentures by which he, she, or they was or were intitled during the life or lives of such nominees to receive any annuity as aforesaid, in case such debenture or debentures be in his, her, or their hands or power; and in default thereof shall forfeit twenty pounds; to be recovered by action of debt, bill, plaint, or information as aforesaid; and to be paid and received to the use of any person who shall sue for the same.

Nominees death certified in 1 month after notice;

debentures redelivered in 3, if in the party's power;

penalty 20l. to prosecutor.

XXXIX. *sect.* 13. For better encouraging persons to advance said sum not exceeding one hundred and seventy-five thousand pounds, upon the terms aforesaid, all receipts and issues, and all other things directed by this act to be performed in the office of vice-treasurers, paymaster, or receiver-general, or deputies, shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity, or reward for the same.

No fee to officers.

XL. *sect.* 14. In case the vice-treasurers, paymaster or receiver-general, or deputies, shall make payment of any annuity as aforesaid, upon such certificate as before directed, such officer shall not incur any penalty, forfeiture, or disability, or be liable to any action for doing thereof, though the said certificate be forged or false, or said nominee dead, unless said officer did know at the time of such payment, that said nominee was dead, or that said certificate was forged or false.

No penalty on officer paying on false or forged certificate, unless knowing.

XLI. *sect.* 15. All persons residing in Ireland, who shall subscribe one or more hundred pounds, towards raising said sum not exceeding one hundred and seventy-five thousand pounds, his, her, or their assignee or assignees, shall, at or before the time of nominating the life or lives during which they shall be entitled to receive such annual interest with benefit of survivorship, make oath, or, being a quaker, solemn affirmation, before some justice of the county, or county of the city or town where such persons so nominating shall reside, to the following effect:

Oath or affirmation at or before nomination before a justice where resident.

I A. B. *do swear, That to the best of my belief,* C. D. *of the parish of in the county of* or county of the city, or county of e town of (as the case shall be) *son or daughter*, or reputed son daughter *of now living, or lately living in the parish of the county of* or county of the city, or county of the town of *the person nominated, is under the age of twenty years*, or is of the e of twenty and under the age of forty years, or is of the age of forty years d upwards, as the case shall be.

The oath as to nominee's persons, abode, and age.

d if any person entitled as aforesaid shall nominate his or her own life, such son shall make oath or solemn affirmation before any justice of the peace of

Oath where annuitant's own life named.

2 witneſſes;

the county, or county of the city or town where ſuch perſon ſhall reſide, to the effect aforeſaid, concerning his or her age reſpectively; which oath or affirmation, atteſted by two or more credible witneſſes, ſhall be delivered to vice-treaſurers, paymaſter or receiver-general, or deputies, to be filed in the office of ſaid vice-treaſurers, paymaſter or receiver-general, or deputies, before any debenture or debentures ſhall be iſſued to ſuch perſon or perſons; and if any perſons ſo entitled, ſhall not be reſident within this kingdom, an affidavit to the like effect, to be made before the principal magiſtrate or magiſtrates of the place where the perſons ſo making the ſame reſide, and to be atteſted by two or more credible witneſſes, ſhall be delivered to ſaid vice-treaſurers, paymaſter or receiver-general, or deputies, to be filed in ſaid office, before any debentures ſhall be iſſued to ſuch perſons.

filed before debentures iſſued;

if not reſident, before the principal magiſtrate where, &c.

Surplus duties by 15 & 16 G. 3. c. 1. applied to pay annuities;

XLII. *ſect.* 16. The ſurplus or exceedings of aids and duties granted by an act paſſed in this ſeſſion, intituled, *An act for granting unto his majeſty the ſeveral duties, rates, impoſitions and taxes therein particularly expreſſed, to be applied to pay an intereſt at the rate of four pounds* per centum per annum, *for ſuch part of the ſeveral principal ſums formerly borrowed, as ſhall remain unpaid on the twenty-fifth of December*, 1775; *and for ſuch other purpoſes as are therein mentioned*; over and above what ſhall be ſufficient to diſcharge the intereſt and annuities therein provided for, or ſo much of ſuch ſurplus or exceedings as for that purpoſe neceſſary, ſhall be applied to payment of the ſeveral annuities to be granted to the ſeveral ſubſcribers, or their aſſignees, who ſhall advance ſaid ſum not exceeding one hundred and ſeventy-five thouſand pounds, or any part thereof; and the reſidue of ſuch ſurplus applied in ſuch manner as herein after directed.

reſidue as after directed.

Chief governors may appoint payment in London;

Iriſh currency;

intent to receive it there declared at the time;

no deduction.

XLIII. *ſect.* 17. It ſhall be lawful for the lord lieutenant, or other chief governors, from time to time to appoint one or more perſon or perſons to pay in London the annuities granted by this act, according to the rate that money is current for in Ireland, for ſuch ſums as ſhall be ſubſcribed, and for which the perſon entitled to receive ſaid annuity, ſhall, at time of compleating his ſubſcription, declare his intention of receiving his ſaid annuity in London; which annuities ſhall be paid without any deduction, abatement, or charge whatſoever, either for exchange or otherwiſe.

Remittance out of duties for payment without charge.

XLIV. *ſect.* 18. Vice-treaſurers, paymaſter or receiver-general, or deputies, ſhall from time to time, out of the duties, rates, impoſitions and taxes granted for payment among other things of ſaid annuities, remit to the perſon or perſons ſo appointed money ſufficient for the punctual and regular payment of ſaid annuities in London, at the times herein before appointed for payment, without any charge, deduction, or abatement whatſoever.

Expence of remittance charged on duties;

profit by exchange to national credit.

XLV. *ſect.* 19. Whatever expences ſhall be incurred by ſending or remitting from time to time ſaid ſeveral annuities from this kingdom to London, and payment of the ſame there, ſhall be charged upon ſaid duties, rates, impoſitions and taxes; and whatever profit ſhall be made in way of exchange by remitting ſaid ſums, or any of them, ſhall be brought to the credit of the nation.

Like certificate of nominee's life required in London, unleſs he appears;

XLVI. *ſect.* 20. The perſons ſo appointed may, whenever they think proper to demand the ſame, require from the perſons entitled to receive ſaid annuities in London, unleſs the nominee appear in perſon at the time of demanding the annuity, ſuch certificate of the life of his, her, or their reſpective nominees, ſigned by the miniſter, or in his abſence by the curate of the pariſh, where ſuch nominee ſhall be living on the day when the half-yearly payment

ſhall

ſhall have become due, in like manner as vice-treaſurers, paymaſter or receiver-general, or deputies may do, in caſes where the nominee ſhall reſide in Ireland; and ſaid perſons ſo appointed, ſhall, from time to time, by all ways and means in their power, examine touching their exiſtence, and uſe their beſt endeavours to diſcover the deaths of any of the nominees of perſons ſo entitled, and immediately after ſuch diſcovery communicate the ſame to the office of his majeſty's treaſury in this kingdom.

their exiſtence or deaths examined; communicated immediately to treaſury.

XLVII. *ſect.* 21. Such perſons ſo appointed ſhall once in every year tranſmit to the office of treaſury an account of all ſuch annuities, as they ſhall pay in purſuance of this act, diſtinguiſhing the reſpective times of payment, and the perſons to whom paid.

Yearly account of payment, times, and perſons.

XLVIII. *ſect.* 22. Neither the ſix pence *per* pound, nor any other fee, ſhall be payable to, or be deducted or received by the vice-treaſurers, receiver, or paymaſter-general, clerk of the pells, or any other officer or officers of this kingdom, for their own uſe, for or on account of ſaid one hundred and ſeventy-five thouſand pounds, to be raiſed by life-annuities, with benefit of ſurvivorſhip as aforeſaid, or for or on account of the payment of any of ſaid annuities; but all ſuch fees, as ſhall ariſe upon iſſuing of ſaid one hundred and ſeventy-five thouſand pounds, or any part thereof, or upon any payment to be made thereout, ſhall be received and duly accounted for, and paid to his majeſty, his heirs and ſucceſſors.

No fees thereout to officers.

fees accounted for.

XLIX. *Stat.* 17 & 18 *Geo.* 3. *cap.* 2. *ſect.* 2. The ſeveral annuities granted by ſaid acts to ſubſcribers who advanced and paid two ſeveral ſums of two hundred and ſixty-five thouſand pounds, and of one hundred and ſeventy-five thouſand pounds, into his majeſty's treaſury, purſuant to ſaid acts, ſhall be regularly paid, as the ſame ſhall become due, according to the true intent and meaning of ſaid acts.

Annuities to ſubſcribers for 265000l. and 175000l. paid purſuant to 13 & 14 G. 3. c. 5 & 7. and 15 & 16 G. 3. c. 2.

L. *ſect.* 24. The herein before mentioned act to explain and amend an act, intituled, *an act for granting annuities in the manner therein provided, to ſuch perſons as ſhall voluntarily ſubſcribe towards the raiſing a ſum not exceeding the ſum of two hundred and ſixty-five thouſand pounds*, ſhall continue until the 25th December 1779, and no longer; and the ſurplus or reſidue of produce of ſaid duties be applied towards payment of ſaid principal ſums formerly borrowed, carrying an intereſt at four pounds *per centum per annum*, and next to payment of ſaid one hundred and ſeventy-five thouſand pounds, or ſo much thereof as ſhall be borrowed in purſuance of this act.

13 & 14 G. 3. c. 7. continued to 25 Dec. 1779.

LI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 2. *ſect.* 2. For all ſums not exceeding in the whole three hundred thouſand pounds paid into treaſury, there ſhall be paid at the exchequer, annuities from twenty-fifth March, one thouſand ſeven hundred and ſeventy-eight, of ſeven pounds ten ſhillings by the year for each ſhare of one hundred pounds, to the perſons who in purſuance of ſaid reſolution paid the ſame, or their executors, adminiſtrators, or aſſigns, or perſons legally authorized by them, to continue during lives of perſons nominated, and to be payable at ſuch place or places and manner and benefit of ſurvivorſhip upon ſaid tontine or ſcheme of life annuities, and with all rights and advantages, and ſubject to all regulations and reſtrictions, as by an act fifteenth and ſixteenth of his majeſty were provided concerning the annuities in ſaid act.

For ſaid 300,000l. life annuities of 7l. 10s. yearly for each 100l. from 25 March 1778, during lives of nominees by ſubſcribers, payable, and with benefit of ſurvivorſhip, and with all rights, and ſuch reſtrictions, as in 15 & 16 G. 3. c. 2.

LII. *ſect.* 4. The annuities granted by recited acts to ſubſcribers who advanced and paid two ſeveral ſums of two hundred and ſixty-five thouſand pounds, and one hundred and ſeventy-five thouſand pounds, purſuant to ſaid acts,

Annuities to ſubſcribers for 265000l. and 175000l. purſuant

to 13 & 14 G. 3. c. 5 & 7. & 15 & 16 G. 3. c. 2. and for 300000l. pursuant to resolution last session shall be paid regularly.

acts, and also the annuities hereby payable to persons who advanced and paid said three hundred thousand pounds, upon a scheme of life annuities pursuant to a resolution last session, shall be regularly paid, as the same become due, according to true intent and meaning of said acts and resolution.

13 & 14 G. 3. c. 7. continued to 24 June 1780, surplus to loan at 4 per cent, next to loan of 350,000l. or the debentures issued.

LIII. *sect.* 33. The before mentioned act, to explain and amend an act for granting annuities to such persons, as voluntarily subscribe towards the raising a sum not exceeding two hundred and sixty five thousand pounds, shall continue until twenty fourth June, one thousand seven hundred and eighty, and no longer; and the surplus of produce of said duties be applied towards payment of principal sums formerly borrowed, carrying interest at four pounds *per centum*; and next to payment of three hundred and fifty thousand pounds to be raised or borrowed this session, or so much thereof as debentures shall be issued for in pursuance of this act.

LIV. *Stat.* 19 & 20 *Geo.* 3. *cap.* 5. *sect.* 47. Fulfilled.

Said annuities to subscribers for 265000l. and 175000l. and 300000l. shall be regularly paid according to said acts.

LV. *Stat.* 19 & 20 *Geo.* 3. *cap.* 10. *sect.* 2. The annuities granted by said acts to subscribers, who advanced and paid two several sums of two hundred and sixty five thousand pounds, and one hundred and seventy five thousand pounds, and also the annuities payable by said first act to persons, who subscribed three hundred thousand pounds upon a scheme of life annuities, pursuant to resolution of the commons, shall be regularly paid, as the same shall become due, according to the true intent and meaning of said acts.

13 & 14 G. 3. c. 7. continued to 25 December 1781.

LVI. *sect.* 20. The before mentioned act to explain and amend an act for granting annuities to such persons as subscribe towards raising a sum not exceeding the sum of two hundred and sixty five thousand pounds, shall continue in force until the twenty fifth December one thousand seven hundred and eighty one, and no longer.

Paid regularly to subscribers for 265000l. 175000l. and 300000l.

LVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 2. *sect.* 2. The several life annuities heretofore granted to the several subscribers, who advanced and paid three several sums of two hundred and sixty five thousand pounds, one hundred and seventy five thousand pounds, and three hundred thousand pounds, into treasury, shall be regularly paid to the persons respectively intitled, as the same shall become due, according to the true intent and meaning of the several acts concerning the same.

13 & 14 G. 3. c. 7. continued to 25 Dec. 1783.

LVIII. *sect.* 26. An act thirteenth and fourteenth of your Majesty's reign, *To explain and amend an act for granting annuities to such as voluntarily subscribe towards raising two hundred and sixty five thousand pounds*, shall continue in force until twenty fifth of December, one thousand seven hundred and eighty three, and no longer.

Nominee dying on intermediate day, subscriber to receive only arrears on the day previous, surplus to the surviving,

not to avoid acts done.

LIX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 30. *sect.* 1. So often as nominee of subscriber shall happen to die on any intermediate day between the days appointed by said acts respectively for payment of annuities, such subscriber shall receive no more than the arrears of his annuity, due on the day of payment previous to death of such nominee; and such part of said annuity, as shall accrue during life of such nominee subsequent to day of payment previous to his death, shall go to subscribers or subscriber of surviving nominees or nominee; provided nothing herein shall avoid any act already under said acts.

When sufficient for dividend half per cent. tho' not

LX. *sect.* 2. So often as it shall appear, that the sums accruing by survivorship shall be sufficient to make a dividend of half *per cent.* a distribution

shall

ſhall be made amongſt ſubſcribers of ſurviving nominees, though there may not be ſufficient to make an annual diſtribution of half *per cent.* for an annual, a diſtribution by ſurvivorſhip.

LXI. *ſect.* 3. Whereas Joſeph Garnault, proprietor of a ſhare of one hundred pounds in life annuities granted one thouſand ſeven hundred and ſeventy five, having been in Eaſt Indies, and ſent over the proper affidavit, in the General Barker that was wrecked, by which ſaid annuity was not demanded within the time preſcribed: the claim of ſaid Joſeph Garnault to ſaid annuity received and paid as other proprietors; any thing in ſaid acts to contrary notwithſtanding. An annuity, not demanded in time paid as others.

Appeals.

I. *Eng. Stat.* Magna Charta, 9 *Hen.* 3. *cap.* 34. No man ſhall be taken or impriſoned upon the appeal of a woman, for the death of any other than her huſband. Appeal of women.

II. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 14. The acceſſary in an appeal ſhall not be outlawed before the principal be attainted. Yet none ſhall intermit to commence their appeal at the next county, as well againſt the acceſſary as againſt the principal; but the *exigent* againſt thoſe ſhall remain until the principals ſhall be attainted by outlawry, or otherwiſe. Acceſſaries in an appeal.

III. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 12. When any appealed of felony doth acquit himſelf, the juſtices ſhall puniſh the appealor by a year's impriſonment; and the appealors ſhall reſtore to the parties appealed their damages, according to the diſcretion of the juſtices, and be ranſomed toward the King. And if the appealor be not able to recompenſe the damages, it ſhall be enquired by whoſe abetment and malice the appeal was commenced: and if it be found by the ſame inqueſt, that any man is abettor thro' malice, he ſhall be diſtrained by a judicial writ; and if he be convict, he ſhall be puniſhed by impriſonment, and pay damages. Puniſhment of appealors.

IV. *Eng. Stat.* of Appeals. 28 *Edw.* 1. *Stat.* 2. Whoſoever be appealed by provers being in priſons, which the juſtices deliver, it ſhall be commanded to the ſheriff in whoſe liberty the party appealed may be found, by writ under *teſte* of the juſtices, that he take ſuch perſons appealed, and cauſe them to be brought to the goals where the appealors be kept: and if they put themſelves upon the country, it ſhall be commanded by the ſame juſtices to the ſheriff in whoſe liberty the felonies were done, that he cauſe an enqueſt to come before the ſame juſtices unto the place where the appealors be kept unto a certain day; and the ſheriffs and others, in whoſe keeping ſuch appealors be, ſhall receive thoſe that be appealed. Provers.

V. *Eng. Stat.* 1 *Hen.* 4. *cap.* 14. All appeals of things done within the realm, ſhall be tried by the laws thereof; and of thoſe done out of the realm, by the conſtable and marſhal of *England* for the time being: and no appeal ſhall be made or purſued in parliament. Conſtable and marſhal.

VI. *Stat.* 32 *Hen.* 6. *cap.* 3. If any do appeal in hope to be ſent into *England*, the matter of the appeal ſhall be declared before the governor of this Appeals to *England*.

this land and the King's council; and if the matter doth not touch the King's perſon, the ſaid governor ſhall ſend the ſaid appeal to the King's-bench, there to be determined as if it were appeal of robbery; and if the ſaid appeal be not found true, the appealor ſhall pay to the appealee his damages taxed by the enqueſt and twenty pound, and over that one hundred ſhillings to the King for his fine, ſaving the King's prerogative.

Private ſeals to repair into *England*.

VII. *Stat.* 7 *Hen.* 8. *cap.* 1. Whereas diverſe perſons of malice, by prepenſed and ſurmiſed cauſes purſue the King's private ſeals to compel the King's ſubjects of *Ireland*, to repair into *England* purpoſely to put them to coſt and charge for particular cauſes determinable in this land: therefore, and in conſideration that judges and learned officers here be ordained to miniſter juſtice according *to* the laws; every perſon ſo bringing the King's letters of private ſeal for particular cauſes, ſhall at hither his coming find ſufficient ſureties in the chancery here, to be bound by recognizance that if the defend*ant* at his appearance before the King and his council in *England* may there purge and acquit himſelf of the matter to him alledged, that then the party plaintiff ſhall ſatisfy the defendant, for his coſts, damages, and expences.

Archdeacon's court.

VIII. *Eng. Stat.* 24 *Hen.* 8. *cap.* 12. *ſect.* 5. In caſes where any of the King's ſubjects have uſed to purſue any appeal to the ſee of *Rome*, and in all other caſes of appeals in any cauſes (*Teſtamentary cauſes of matrimony and divorces, right of tithes, oblations and obventions*) they may have their appeals within this realm, *viz.* from the archdeacon or his official to the biſhop dioceſan.

Biſhop's court.

IX. *ſect.* 6. If it be commenced before the biſhop dioceſan or his commiſſary within fifteen days next enſuing the ſentence to the archbiſhop of the province, *&c.* and ſo to all other archbiſhops in other the King's dominions.

Archdeacon of an archbiſhop.

X. *ſect.* 7. If the matter be commenced before the archdeacon of any archbiſhop or his commiſſary, the party grieved may take his appeal within fifteen days after ſentence to the court of the arches or audience of the archbiſhop, and from the ſaid court within fifteen days after ſentence to the archbiſhop of the province. (*Revived, Eng. Stat.* 1 *Eliz. cap.* 1.)

Archbiſhop's court.

XI. *Eng. Stat.* 24 *Hen.* 8. *cap.* 19. *ſect.* 4. For lack of juſtice in the courts of the archbiſhops of this realm, or in any the King's dominions: it ſhall be lawful to the parties grieved, to appeal to the King's Majeſty, in the chancery; and upon ſuch appeal, a commiſſion ſhall be directed under the great ſeal, to ſuch perſons as ſhall be named by the King, like as in caſe of appeal from the admiral's court, to hear, and definitively determine ſuch appeals, and the cauſes concerning the ſame. Which commiſſioners ſo by the King to be named or appointed, ſhall have authority to hear, and definitively determine every ſuch appeal, with the cauſes and all circumſtances concerning the ſame: and ſuch judgment, and ſentence, as the ſaid commiſſioners ſhall make, ſhall be good and effectual, and alſo definitive; and no further appeals to be had or made from the ſaid commiſſioners. (*Revived, Eng. Stat.* 1 *Eliz. cap.* 1.)

The King's commiſſioners.

Theſe

Appeals.

These Statutes 24 Hen. 8. cap. 12. *and* 25 Hen. 8. cap. 19. *are abridged, becauſe by the generality of the words they extend to all the King's dominions, and all the appeals from the prerogative and metropolitical courts in this kingdom, except thoſe which have been made to the chancery of* England, *have been purſuant to theſe Statutes, and not to the* Iriſh *Statute.*

Appeals to the King or his lieutenant.

XII. *Stat.* 28. *Hen.* 8. *cap.* 6. *ſect.* 1. To the intent that the ſubjects of this land may take and hear the appeals for lack of juſtice, for all manner of cauſes, as they were wont to have in their provocations, appeals and other proceſs in caſes of contention, to or from the biſhop of *Rome*, or court of *Rome*, they now being grieved, ſhall have their provocations, appeals, and ſuch like proceſs to the King, or to his lieutenant, or other governor of *Ireland*, to their court of chancery within the realm of *England* or land of *Ireland*.

Commiſſions by the chancellor of *England*.

XIII. *ſect.* 2. And upon every ſuch appeal made to the King, the chancellor of *England*, or keeper of the great ſeal, ſhall grant a commiſſion or delegacy to ſome diſcreet and well learned perſons of this land of *Ireland*, or elſe in the realm of *England*, for final determination of all cauſes and griefs contained in the ſaid appeals, and in the principal matter, and in all circumſtances and dependants thereupon.

By the chancellor of *Ireland*,

XIV. *ſect.* 3. And upon every ſuch provocation, appeal, or proceſs made to the Lieutenant, or governor, the chancellor of *Ireland* or keeper of the great ſeal of the ſame, by the aſſent of the chief juſtices of the King's-bench and common-place, the maſter of the rolls, and the undertheſaurer of the ſaid land, or any two of them, ſo as the ſaid undertheſaurer be one, ſhall grant a commiſſion or delegacy to ſome diſcreet and well learned perſons within this land of *Ireland* for final determination of all cauſes and griefs contained in the ſaid provocation and appeals, and in the principal matter and all circumſtances and dependants thereupon.

Authority of ſuch Commiſſioners.

XV. *ſect.* 4. Which commiſſioners ſo named, ſhall have like power and authority, as commiſſioners, aſſigned in appeals made to the King in the realm of *England*, have by authority of their commiſſion, or by virtue of any acts made for appeals within the ſaid realm.

Appearance.

Entries of appearance.

Eng. Stat. 10 *Hen.* 6. *cap.* 4. No filezer, exigenter, or other officer, ſhall make entry that the plaintiff *obtulit ſe in propria perſona ſua*, unleſs the plaintiff before ſuch entry made, doth (indeed) appear in proper perſon before ſome of the juſtices of the place where the plea depends, and (either by himſelf, or ſome other credible perſon of his counſel) make oath that he is the ſame perſon in whoſe name that ſuit is proſecuted.

Made perpetual, Eng. Stat. 18 Hen. 6. cap. 9. *and a penalty of* 40*s. added.*

Apprentices.

Begging children.

Stat. 2 *Geo.* 1. *cap.* 17. *ſect.* 12. The miniſter and church-wardens every pariſh within this kingdom, may bind out, with the conſent and ap-

probation of one juſtice of the peace for the county where ſuch pariſh ſhall lie, any child they find begging within their pariſh, or any other poor child within the pariſh, with the conſent of the father, if living, or of the mother, if the father be dead, to any honeſt and ſubſtantial proteſtant houſe-keeper, or proteſtant tradeſman, that will entertain ſuch child as a menial ſervant, till ſuch child arrives to the age of one and twenty, or to any creditable tradeſman as an apprentice to his trade, till ſuch apprentice be twenty four years old compleat.

Ages of children.

II. *ſect.* 13. The age of every child thus bound out as a menial ſervant or as an apprentice, ſhall be aſcertained in the indentures by which the child is bound out, and the age fixed by ſuch indenture, ſhall in all controverſies that may ariſe betwixt ſuch apprentice and their reſpective maſters and miſtreſſes, be taken for the true age of ſuch child, and an exemplification of ſuch indentures, which ſhall always be entered in the veſtry-book of the pariſh where any ſuch child ſhall be bound out, being ſigned and ſealed by the miniſter and church-wardens, ſhall in all controverſies be as authentick as a counter part of the ſaid indentures.

Maſter dying.

III. *ſect.* 14. On the death of ſuch perſon, his executors or adminiſtrators ſhall have a right to the labour of ſuch apprentice, for the remainder of the time during which he was by his indenture obliged to ſerve.

Covenants of indentures.

IV. *ſect.* 15. Covenants uſually inſerted in favour of ſervants in other indentures of apprenticeſhip, *ſhall* be inſerted in the ſaid indentures, and any of his Majeſty's juſtices of the peace for the county where ſuch children live, may on complaint of ill uſage or cruel treatment, examine into the behaviour of the maſter or miſtreſs complained of, and in caſe the complaint appear groundleſs, ſuch juſtice of the peace ſhall have power to order reaſonable correction for ſuch ſervant or apprentice complaining without cauſe.

Immoderate ſeverity.

(2) But if immoderate ſeverity or cruel uſage be fully proved againſt the maſter or miſtreſs, ſuch juſtice is required to diſcharge ſuch ſervant or apprentice from ſerving the ſaid maſter or miſtreſs, and to bind him or her apprentice to ſome other maſter or miſtreſs for the remainder of the time.

Departing without diſcharge.

V. *ſect.* 16. And if any perſon bound out as an apprentice or ſervant purſuant to this act, ſhall depart their ſervice without their conſent, unleſs ſuch apprentice hath been diſcharged purſuant to this act, ſuch ſervant or apprentice ſhall be puniſhed in like manner as hired ſervants departing their ſervice within the time for which they hired themſelves, are liable to be puniſhed by this act. *See Tit.* Servants.

Entertaining without diſcharge.

VI. *ſect.* 17. Any perſon *who* ſhall entertain any ſuch apprentice bound out as aforeſaid, either as a houſehold ſervant, or as an apprentice or journeyman at his trade, before his time of ſervice be expired, unleſs he has the conſent of the perſon to whom he was bound, or have a regular diſcharge from his former ſervice, given him by ſome juſtice of the peace, upon full proof of ill uſage from his former maſter or miſtreſs, ſhall forfeit forty pounds, to be recovered by the perſon having a right to the ſervice of ſuch apprentice.

Complaints of apprentices.

VII. *ſect.* 20. It may be lawful for any two juſtices of the peace to hear and determine all complaints of apprentices employed in any handy-craft trade or manufacture, and to remove ſuch apprentice, if they ſhall find juſt cauſe for ſo

ſo doing, from ſuch ſervice, by order under their hands and ſeals, and by the like order to turn over ſuch apprentices to ſome other maſter or miſtreſs of the ſame trade, for the remainder of the term of ſuch apprenticeſhip.

VIII. *ſect.* 21. If any ſuch maſter or miſtreſs ſhall find him or herſelf aggrieved by ſuch order, it ſhall be lawful to appeal to the juſtices at the next general quarter-ſeſſions, to be held in ſuch county, or county of a city or town, which juſtices are to determine the ſame, and their order on ſuch appeal to be final to all parties. Appeal to the ſeſſions.

IX. *Stat.* 25 *Geo.* 2. *cap.* 8. *ſect.* 3. It ſhall be lawful for any *two juſtices*, upon application by any apprentice upon whoſe binding out no larger ſum than five pounds was paid, concerning any miſuſage, refuſal of neceſſary proviſion, cruelty, or other ill treatment of ſuch apprentice, by his or her maſter or miſtreſs, to ſummon ſuch maſter or miſtreſs to appear at a reaſonable time to be named in ſuch ſummons. Complaints againſt maſters.

(2) And ſuch juſtices ſhall examine into the matter of complaint, and upon proof thereof made upon oath to their ſatisfaction, whether the maſter or miſtreſs be preſent or not, if ſervice of the ſummons be alſo upon oath proved, the ſaid juſtices may diſcharge ſuch apprentice by warrant or certificate under their hands and ſeals, for which no fees ſhall be paid. Examination upon oath.

X. *ſect.* 4. And it ſhall be lawful for ſuch *juſtices*, upon application or complaint made upon oath by any maſter or miſtreſs againſt any ſuch apprentice, touching any miſdemeanor, miſcarriage or ill-behaviour in his or her ſervice, to hear, examine, and determine the ſame, and to puniſh the offender by commitment to the houſe of correction, there to be corrected, and held to hard labour for a reaſonable time not exceeding one calendar month, or otherwiſe by diſcharging ſuch apprentice in manner before mentioned. Complaints by maſters.

XI. *ſect.* 5. If any perſons ſhall think themſelves aggrieved by ſuch determination, order, or warrant of ſuch *juſtices*, ſave and except any order of commitment, they may appeal to the next quarter-ſeſſions to be held for the county or place where ſuch determination or order ſhall be made. Appeal to the ſeſſions.

(2) Which general quarter-ſeſſions is impowered to hear and finally determine the ſame, and to award ſuch coſts to any of the reſpective perſons appellant or reſpondent, as the ſaid ſeſſions ſhall adjudge reaſonable, not exceeding five pounds, the ſame to be levied by diſtreſs and ſale *of the goods of the party*, &c. Coſts to either party.

XII. *ſect.* 6. No writ of *certiorari* or other proceſs ſhall iſſue, to remove any proceedings had in purſuance of this act, in any of his Majeſty's courts of record at *Dublin*, (*Brit. Stat.* 20 *Geo.* 2. *cap.* 19) *See Tit.* Servants. No *certiorari*.

XIII. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 13. The complaints, differences and diſputes, which by the act 25 *Geo.* 2. *cap.* 8. are directed to be heard and determined by two or more ſuch juſtices of the peace, as in the ſaid act are deſcribed, ſhall be heard and determined by one ſuch juſtice. One juſtice.

(2) Which one juſtice is impowered to make ſuch orders, and do all ſuch other acts as two or more ſuch juſtices are impowered by the ſaid act to make or do, with like liberty of appeal from the determination, order or warrant of ſuch The like power as two had.

one juſtice, as by the ſaid act is provided, from the determination of two or more juſtices.

The act 25 G. 2 c. 8. made perpetual.

XIV. *Stat. Geo.* 3. *cap.* 15. *ſect.* 39. An act paſſed in the twenty-fifth year of his late Majeſty King *George* the ſecond's reign, *for the better adjuſting and more eaſy recovery of the wages of certain ſervants, and certain apprentices*, &c. which ſaid act has been continued with ſeveral amendments, by ſeveral acts of parliament, is hereby made perpetual.

Arbitration.

Submiſſion to umpirage.

I. *Stat.* 10 *Will.* 3. *cap.* 14. *ſect.* 1. It may be lawful for all merchants and others, deſiring to end by arbitration, any controverſy, ſuit or quarrel, for which there is no remedy but by perſonal action or ſuit in equity, to agree that their ſubmiſſion of the matter to the award or umpirage of any perſons, ſhould be made a rule of any court of record which the parties ſhall chooſe, and to inſert ſuch their agreement in their ſubmiſſion, or the condition of the bond or promiſe, whereby they oblige themſelves reſpectively to ſubmit to the award of any perſons.

Agreement to be made a rule of court.

(2) Which agreement ſhall upon producing an affidavit thereof made by the witneſſes thereunto, or any one of them, in the court of which the ſame is agreed to be made a rule, and reading and filing the ſaid affidavit in court, be entered of record in ſuch court, and a rule ſhall be thereupon made by the ſaid court, that the parties ſhall ſubmit to, and finally be concluded by the arbitration or umpirage, which ſhall be made by the arbitrators or umpire purſuant to ſuch ſubmiſſion.

Diſobedience to an award.

(3) And in caſe of diſobedience to ſuch arbitration or umpirage, the party neglecting or refuſing to execute the ſame, ſhall be ſubject to all the penalties by the courſe of ſuch court, uſually inflicted on ſuch as contemn a rule of the ſaid court, made in a cauſe depending therein, and the court on motion ſhall iſſue proceſs accordingly.

Proceſs not to be delayed.

(4) Which proceſs ſhall not be delayed in its execution by any order or proceſs of any other court of law or equity, unleſs it ſhall appear on oath to ſuch court, that the arbitrators or umpire miſbehaved themſelves, and that ſuch award, arbitration or umpirage was procured by corruption or other undue means.

Procured by corrupt means.

II. *ſect.* 2. Any arbitration or umpirage procured by corruption or undue means ſhall be judged void, and be ſet aſide by any court of law or equity; ſo as complaint of ſuch corruption or undue practice be made in the court, where the rule is made for ſubmiſſion to ſuch arbitration or umpirage, before the laſt day of the next term after ſuch arbitration or umpirage made and publiſhed to the parties. (*Eng. Stat.* 9 & 10 *Will.* 3. *cap.* 15.)

Armagh.

Premiſes granted veſted in truſtees for ever for uſe of library.

I. *Stat.* 13 & 14 *Geo.* 3. *cap.* 40. *ſect.* 1. The houſe mentioned to have been built by Richard lord archbiſhop of Armagh, the ground on which it ſtands, and the court, and all other appurtenances to ſaid houſe and library belonging

belonging, together with ten acres of land in the town-land of Liſanally, ſettled and veſted, and that all lands, tenements, ſums, books printed, and manuſcripts, and all other things of what kind or nature ſoever, which ſhall at any time be given or diſpoſed of, whether perſonally, or by deed, or will, to uſe of ſaid library, or office of keeper, veſted in the archbiſhop of Armagh for the time being, Hugh Hamilton dean of Armagh, Arthur Jacob chanter of ſaint Patrick's, Armagh, Alexander Biſſet, chancellor of ſaid cathedral, Francis Hamilton treaſurer, Charles Walter Congreve, archdeacon of Armagh, William Godley, prebendary of Mullaghbrack, Henry Leſlie, prebendary of Ballymore, Brabazon Diſney, prebendary of Loughall, and the prebendary of Tynan when inſtituted, the ſame being now vacant, and their ſucceſſors ſeverally, for the time being, for ever, in truſt, for the reſpective uſes, intents and purpoſes herein before mentioned, to uſe of ſaid library, or keeper, for ever, and to ſuch other uſes, intents, and purpoſes as ſhall be declared or appointed by the perſons giving, granting, or deviſing the ſame, and to no other, and the ſame ſhall remain in ſaid truſtees and their ſucceſſors, for ever, unalienable, and without being capable of forfeiting, ſelling, incumbering, or otherwiſe diſpoſing, otherwiſe than as herein after mentioned; the ſaid houſe, and library, and ground for a court thereunto belonging, in Armagh, to remain free from all manner of taxes impoſed, or hereafter to be impoſed by act of parliament, unleſs charged expreſly and by name; any law, uſage, or cuſtom to the contrary notwithſtanding.

unalienable,

free of taxes unleſs named.

II. *ſect.* 2. Created a corporation or body politick for the purpoſes herein contained only, and appointed governors and guardians of ſaid houſe and library, built and erected by Richard lord archbiſhop of Armagh; and ſaid governors and guardians authoriſed to elect two perſons of the dioceſe of Armagh, to be joined with them in the aforeſaid truſt, as governors and guardians of ſaid houſe and library; and upon the death or reſignation of any ſuch elected governors and guardians, from time to time to elect other fit perſons governors or guardians in their room; and ſaid governors and guardians for the time being, in their own names and deſcriptions as aforeſaid, as by the title of governors and guardians of the library erected by Richard lord archbiſhop of Armagh, ſhall have power to take all gifts, grants and legacies, and be ſeized, and poſſeſſed thereof for ever, to the uſes, and under truſts aforeſaid, and capable to ſue for the ſame in any court of law or equity; the ſtatute of mortmain, and all other laws, ſtatutes, uſages, or cuſtoms to the contrary notwithſtanding: and they, or any three or more, the archbiſhop of Armagh for the time being preſent, but in caſe of his being ſick, or out of this kingdom, or during vacancy, then any five or more of ſaid governors and guardians ſhall have power to meet from time to time, and as often as occaſion, to conſider of, and make ſuch reaſonable rules and orders for government and management of ſaid houſe and library, as they think neceſſary; to which the keeper for the time being ſhall for ever be ſubject, and obſerve on pain of being ſuſpended from ſaid office or employment, and from the income, profits, and lodgings thereunto belonging, during pleaſure of ſaid governors and guardians.

A corporation, governors and guardians, may elect 2 others of the dioceſe,

take gifts, &c.

notwithſtanding ſtatute of mortmain; 3 may meet and make rules, archbiſhop preſent, if abſent 5;

obſerved by keeper, or ſuſpended.

III. *ſect.* 3. In caſe ſaid library keeper ſhall continue obſtinate ſeven days after being ſuſpended, and will not obſerve the orders, rules and directions, ſaid governors and guardians, or any five or more, the archbiſhop of Armagh for

If obſtinate 7 days, removed,

for the time being preſent, ſhall have power to meet, and deprive and remove the ſaid keeper from ſaid office or employment, and to take from him the income, profits, and lodgings to ſaid office belonging, and another keeper appointed in like manner as if the keeper ſo deprived or removed, was naturally dead.

another choſen.

Appointment in the archbiſhop,

IV. *ſect.* 4. The nomination and appointment of a library-keeper for ſaid library and ſucceſſors, and ſo often as occaſion, upon the death of the keeper, ſurrender, forfeiture, or other avoidance, veſted in the archbiſhop of Armagh for the time being; and the perſon ſo appointed, and none other, ſhall be library-keeper, and hold that office during his good behaviour, and entitled to the lodgings and apartments in ſaid houſe allotted, or ſuch parts thereof as ſaid governors and guardians think fit, and to ſaid court belonging, and land aforeſaid, and to the ſalary of ſaid office belonging: provided the perſon ſo appointed keeper be a preſbyter of the church of England or Ireland as by law eſtabliſhed, and ſhall have taken the degree of maſter of arts in one of the univerſities of England or Ireland; and before his admiſſion to the office, he ſhall give to ſaid governors and guardians ſecurity of five hundred pounds, by recognizance, with ſufficient ſecurities, that none of ſaid books ſhall be loſt, or otherwiſe embezzled, and ſhall alſo take the oath following.

during good behaviour;

keeper to be a preſbyter of the church, and a maſter;

on recognizance 500l. with 2 ſureties for the books.

His oath.

I A. B. *do ſwear that I will uſe my utmoſt care and endeavour to preſerve all the books and other things which are or ſhall be committed to my charge by the governors and guardians of the publick library, built and erected in Armagh by Richard lord archbiſhop of Armagh, and that I will not wittingly or willingly, ſuffer any of the ſaid books during my continuance in the office of library keeper, to be lent abroad, (unleſs permitted ſo to do by an order of the governors and guardians at the general viſitation) given away, or embezzled, or to be any wiſe damnified through my fault; and that I will, to the utmoſt of my power, obſerve all ſuch ſtatutes, rules, and conſtitutions already made, or which ſhall hereafter be made, concerning the ſaid office of library keeper, while the ſame ſhall continue in force, and I ſhall continue in the ſaid office. So help me God.*

Which oath the archbiſhop for time being, or being abſent, or vacancy of that ſee, any two or more of ſaid governors and guardians ſhall be impowered to adminiſter.

Books changed, duplicates ſold, and others bought.

V. *ſect.* 5. Lawful for ſaid governors and guardians, or any three or more, to change any books given to ſaid library, and where duplicates, for other books to be put into ſaid library, or to ſell ſuch duplicates, and with the money ariſing by ſale, buy ſuch other books as they think proper to be put into ſaid library.

VI. *ſect.* 6. Said governors and guardians, or any three or more, whereof the archbiſhop of Armagh, unleſs ſick, or out of this kingdom, or the ſee vacant, ſhall always be one, and in caſe of ſuch abſence or ſickneſs, one of the governors aforeſaid, whom ſaid archbiſhop ſhall, under his hand and archiepiſcopal ſeal, appoint to be preſent and of that number, ſhall, on the day preceding, or next after the general annual viſitation of ſaid dioceſe at Armagh, perſonally viſit every year ſaid library, and inſpect the ſtate and

Yearly viſitation thereof.

condition,

condition, and at ſuch viſitation make ſuch orders and rules, and give ſuch directions as to them, or major part, ſhall ſeem neceſſary and convenient; and ſaid governors and guardians may adjourn ſaid viſitations to ſuch further time or times, as they or major part think fit.

VII. *ſect.* 7. The archbiſhop for time being, or in caſe of his abſence or neglect, any two of ſaid governors and guardians directed to give due notice or ſend ſummons to each of ſaid governors and guardians, of the time and place intended for meeting for purpoſes aforeſaid, two days at leaſt before. Notice of meeting.

VIII. *ſect.* 8. Waſte land, containing nine acres, one rood, and thirty-ſeven perches, with all buildings which ſhall ſtand thereupon, ſhall be veſted in ſaid archbiſhop of Armagh, and his ſucceſſors, for ever, to the intent that ſaid archbiſhop and his ſucceſſors, may cauſe ſuch roads, as he ſhall think neceſſary to be made through ſaid ground from the ſaid city to the roads leading on each end of ſaid ground from ſaid city to different parts of the country, and to parcel out the remainder of ſaid ground into ſo many diviſions as he or they ſhall think proper, and by deed under his or their hand and archiepiſcopal ſeal, to appropriate ſuch diviſions, or ſo many of them as he or they think fit ſeverally, for uſe of holding fairs and markets, and ſuch other uſes as he and they judge moſt advantageous to the inhabitants of ſaid city, from thenceforth to remain ſo appropriated for ever; and to demiſe and leaſe by indenture, under archiepiſcopal ſeal, the remainder of ſuch diviſions, as alſo ſuch part of the diviſion to be appropriated for markets as neceſſary for ſhambles from time to time for any number of years not exceeding ſixty, taking ſuch fines upon each demiſe and renewal, and reſerving thereupon ſuch annual rent as he and they think fair and reaſonable, ſuch rent to be made payable to ſaid archbiſhop and his ſucceſſors.

Waſte veſted in archbiſhop and ſucceſſors to make roads; for fairs and markets, &c. and to demiſe not above 60 years; taking fines, reſerving rent, for ſaid corporation and inhabitants advantage.

IX. *ſect.* 9. All ſuch fines and rents ſhall be applied to ſuch uſes and purpoſes, as ſhall appear to him and them of moſt advantage to ſaid corporation and the inhabitants of ſaid city, and for no other whatſoever.

X. *ſect.* 10. Said archbiſhop or his ſucceſſors, may exchange ſo much of other land, the eſtate of ſaid ſee, as neceſſary, for a part of equal value of ſaid waſte land, aſcertaining the quantities and parts ſo exchanged, by writing under hand and archiepiſcopal ſeal, and lodging in the office of the regiſter, ſuch writing or a duplicate, with a ſurvey of the parts ſo exchanged, certified under hand and archiepiſcopal ſeal; ſaving nevertheleſs to his majeſty, his heirs and ſucceſſors, and all other perſons, bodies politick and corporate, their heirs, executors, adminiſtrators and ſucceſſors, others than ſaid Richard lord archbiſhop of Armagh, and his executors, adminiſtrators and ſucceſſors, the ſaid ſovereign, burgeſſes, and corporation, and the inhabitants of Armagh, all ſuch right, title, or intereſt, as they or any of them had, may, or might have, in, to, or in any wiſe concerning the premiſſes, or any part, parcel, or particular thereof, hereby intended to be veſted in aforeſaid truſtees, ſeverally for the reſpective uſes, intents, and purpoſes before mentioned, as if this act never made.

Power to exchange ſaid waſte for other parts of the ſee; ſaving right of others.

XI. *ſect.* 11. This act deemed in all courts a publick act, and all judges ſhall take notice thereof without ſpecially pleading. A publick act.

for the time being preſent, ſhall have power to meet, and deprive and remove the ſaid keeper from ſaid office or employment, and to take from him the income, profits, and lodgings to ſaid office belonging, and another keeper appointed in like manner as if the keeper ſo deprived or removed, was naturally dead.

another choſen.

Appointment in the archbiſhop,

IV. *ſect.* 4. The nomination and appointment of a library-keeper for ſaid library and ſucceſſors, and ſo often as occaſion, upon the death of the keeper, ſurrender, forfeiture, or other avoidance, veſted in the archbiſhop of Armagh for the time being; and the perſon ſo appointed, and none other, ſhall be library-keeper, and hold that office during his good behaviour, and entitled to the lodgings and apartments in ſaid houſe allotted, or ſuch parts thereof as ſaid governors and guardians think fit, and to ſaid court belonging, and land aforeſaid, and to the ſalary of ſaid office belonging: provided the perſon ſo appointed keeper be a preſbyter of the church of England or Ireland as by law eſtabliſhed, and ſhall have taken the degree of maſter of arts in one of the univerſities of England or Ireland; and before his admiſſion to the office, he ſhall give to ſaid governors and guardians ſecurity of five hundred pounds, by recognizance, with ſufficient ſecurities, that none of ſaid books ſhall be loſt, or otherwiſe embezzled, and ſhall alſo take the oath following.

during good behaviour;

keeper to be a preſbyter of the church, and a maſter;

on recognizance 500l. with 2 ſureties for the books.

His oath.

I A. B. *do ſwear that I will uſe my utmoſt care and endeavour to preſerve all the books and other things which are or ſhall be committed to my charge by the governors and guardians of the publick library, built and erected in Armagh by Richard lord archbiſhop of Armagh, and that I will not wittingly or willingly, ſuffer any of the ſaid books during my continuance in the office of library keeper, to be lent abroad, (unleſs permitted ſo to do by an order of the governors and guardians at the general viſitation) given away, or embezzled, or to be any wiſe damnified through my fault; and that I will, to the utmoſt of my power, obſerve all ſuch ſtatutes, rules, and conſtitutions already made, or which ſhall hereafter be made, concerning the ſaid office of library keeper, while the ſame ſhall continue in force, and I ſhall continue in the ſaid office.* *So help me God.*

Which oath the archbiſhop for time being, or being abſent, or vacancy of that ſee, any two or more of ſaid governors and guardians ſhall be impowered to adminiſter.

Books changed, duplicates ſold, and others bought.

V. *ſect.* 5. Lawful for ſaid governors and guardians, or any three or more, to change any books given to ſaid library, and where duplicates, for other books to be put into ſaid library, or to ſell ſuch duplicates, and with the money ariſing by ſale, buy ſuch other books as they think proper to be put into ſaid library.

VI. *ſect.* 6. Said governors and guardians, or any three or more, whereof the archbiſhop of Armagh, unleſs ſick, or out of this kingdom, or the ſee vacant, ſhall always be one, and in caſe of ſuch abſence or ſickneſs, one of the governors aforeſaid, whom ſaid archbiſhop ſhall, under his hand and archiepiſcopal ſeal, appoint to be preſent and of that number, ſhall, on the day preceding, or next after the general annual viſitation of ſaid dioceſe at Armagh, perſonally viſit every year ſaid library, and inſpect the ſtate and

Yearly viſitation thereof.

condition,

condition, and at ſuch viſitation make ſuch orders and rules, and give ſuch directions as to them, or major part, ſhall ſeem neceſſary and convenient; and ſaid governors and guardians may adjourn ſaid viſitations to ſuch further time or times, as they or major part think fit.

Notice of meeting.

VII. *ſect.* 7. The archbiſhop for time being, or in caſe of his abſence or neglect, any two of ſaid governors and guardians directed to give due notice or ſend ſummons to each of ſaid governors and guardians, of the time and place intended for meeting for purpoſes aforeſaid, two days at leaſt before.

Waſte veſted in archbiſhop and ſucceſſors to make roads;

VIII. *ſect.* 8. Waſte land, containing nine acres, one rood, and thirty-ſeven perches, with all buildings which ſhall ſtand thereupon, ſhall be veſted in ſaid archbiſhop of Armagh, and his ſucceſſors, for ever, to the intent that ſaid archbiſhop and his ſucceſſors, may cauſe ſuch roads, as he ſhall think neceſſary to be made through ſaid ground from the ſaid city to the roads leading on each end of ſaid ground from ſaid city to different parts of the country, and to parcel out the remainder of ſaid ground into ſo many diviſions as he or they ſhall think proper, and by deed under his or their hand and archiepiſcopal ſeal, to appropriate ſuch diviſions, or ſo many of them as he or they think fit ſeverally, for uſe of holding fairs and markets, and ſuch other uſes as he and they judge moſt advantageous to the inhabitants of ſaid city, from thenceforth to remain ſo appropriated for ever; and to demiſe and leaſe by indenture, under archiepiſcopal ſeal, the remainder of ſuch diviſions, as alſo ſuch part of the diviſion to be appropriated for markets as neceſſary for ſhambles from time to time for any number of years not exceeding ſixty, taking ſuch fines upon each demiſe and renewal, and reſerving thereupon ſuch annual rent as he and they think fair and reaſonable, ſuch rent to be made payable to ſaid archbiſhop and his ſucceſſors.

for fairs and markets, &c.

and to demiſe not above 60 years;

taking fines, reſerving rent, for ſaid corporation and inhabitants advantage.

IX. *ſect.* 9. All ſuch fines and rents ſhall be applied to ſuch uſes and purpoſes, as ſhall appear to him and them of moſt advantage to ſaid corporation and the inhabitants of ſaid city, and for no other whatſoever.

Power to exchange ſaid waſte for other parts of the ſee;

X. *ſect.* 10. Said archbiſhop or his ſucceſſors, may exchange ſo much of other land, the eſtate of ſaid ſee, as neceſſary, for a part of equal value of ſaid waſte land, aſcertaining the quantities and parts ſo exchanged, by writing under hand and archiepiſcopal ſeal, and lodging in the office of the regiſter, ſuch writing or a duplicate, with a ſurvey of the parts ſo exchanged, certified under hand and archiepiſcopal ſeal; ſaving nevertheleſs to his majeſty, his heirs and ſucceſſors, and all other perſons, bodies politick and corporate, their heirs, executors, adminiſtrators and ſucceſſors, others than ſaid Richard lord archbiſhop of Armagh, and his executors, adminiſtrators and ſucceſſors, the ſaid ſovereign, burgeſſes, and corporation, and the inhabitants of Armagh, all ſuch right, title, or intereſt, as they or any of them had, may, or might have, in, to, or in any wiſe concerning the premiſſes, or any part, parcel, or particular thereof, hereby intended to be veſted in aforeſaid truſtees, ſeverally for the reſpective uſes, intents, and purpoſes before mentioned, as if this act never made.

ſaving right of others.

A publick act.

XI. *ſect.* 11. This act deemed in all courts a publick act, and all judges ſhall take notice thereof without ſpecially pleading.

12000 men for defence, officers included,
3046 continued from 1 Jan. 1782 to 31 Dec. 1783.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 1. Whereas twelve thouſand effective men, commiſſion and non commiſſion officers included, are neceſſary to be maintained within this kingdom for its defence: three thouſand and forty ſix men, commiſſion and non commiſſioned officers included, raiſed in purſuance of an act one thouſand ſeven hundred and ſixty nine, be continued for two years, from the firſt of January one thouſand ſeven hundred and eighty two, to the thirty firſt of December one thouſand ſeven hundred and eighty three incluſive, ſo as that the forces on the eſtabliſhment may amount to fifteen thouſand and forty ſix effective men, commiſſion and non commiſſion officers included.

Mutiny or ſedition by officer or ſoldier in land or marine,

not endeavouring to ſuppreſs,

or not informing, deſerting, liſting in other regiments, &c. without diſcharge,

ſleeping on or leaving poſt, correſponding with rebel or enemy, or treating without licence, violence to ſuperior officer or diſobedience, puniſhed with death, or as by court martial awarded.

II. *Stat.* 21 & 22 *Geo.* 3. *cap.* 43. *ſect.* 1. Whereas raiſing or keeping a ſtanding army in peace, unleſs with conſent of parliament is againſt law: and it is judged neceſſary by his majeſty and this parliament, that a body ſhould be continued for ſafety of this kingdom, and defence of poſſeſſions of his Majeſty's crown, and the whole number ſhould conſiſt of fifteen thouſand and forty ſix effective men: and no man can be forejudged of life or limb, or ſubjected in peace to puniſhment by martial law, or other manner than by his peers and eſtabliſhed laws; yet it being requiſite that exact diſcipline be obſerved, and that ſoldiers, who mutiny or ſtir up ſedition, or deſert be brought to a more exemplary and ſpeedy puniſhment than uſual forms allow: if any muſtered or in pay as an officer, or liſted or in pay as a ſoldier, ſhall during this act begin, excite, cauſe, or join in any mutiny or ſedition in the regiment, troop, or company, to which he doth belong, or in any other either of land or marine forces in ſervice, or not uſe utmoſt endeavours to ſuppreſs the ſame, or coming to knowledge of any mutiny, or intended, ſhall not without delay give information to his commanding officer, or ſhall deſert ſervice, or being a ſoldier actually liſted ſhall liſt in any other regiment, troop, or company, without a diſcharge produced in writing from the colonel, or in his abſence officer commanding in chief the regiment, troop, or company in which he laſt ſerved, or found ſleeping on his poſt, or leave it before relieved, or if any officer or ſoldier hold correſpondence with any rebel or enemy, or give them advice or intelligence by letters, meſſages, ſigns, or tokens in any manner or way, or treat or enter into any condition with them without his Majeſty's licence, or of the general, lieutenant general, or chief commander, or ſtrike or uſe any violence againſt his ſuperior officer, being in execution of his office, or diſobey any lawful command of ſuperior officer, all ſo offending ſhall ſuffer death or ſuch other puniſhment, as by a court martial awarded.

Commiſſion under ſign manual for Courts martial, warrant to chief commander to convene, chief governor may impower to appoint, or direct warrant, regulated as herein.

III. *ſect.* 2. His Majeſty may from time to time grant a commiſſion, under ſign manual for holding general courts martial within this realm, as now uſed; and extend warrant to any general officer having chief command of forces within the ſame, to convene general courts martial for offences by any under his command; and may by royal commiſſion impower chief governor to appoint general courts martial from time to time as heretofore, as well as to direct warrant to any general officer having chief command of forces within the ſame, to convene general courts martial, as occaſion may require, for trial of offences by any under his command; all which courts martial ſhall be conſtituted and regulate proceedings according to proviſions herein after.

IV. *ſect.*

IV. *ſect.* 3. It ſhall be lawful for ſuch courts martial by ſentence or judgment to inflict corporal puniſhment, not tending to life or limb, on any ſoldier for immoralities, miſbehaviour, or neglect of duty.

Corporal puniſhment for immorality, &c.

V. *ſect.* 4. No general court martial, which ſhall have power to fit by this act, ſhall conſiſt of leſs than thirteen, whereof none to be under degree of a commiſſion officer, and the preſident ſhall neither be the commander in chief nor governor of the garriſon where offender tried, nor under a field officer, unleſs field officer cannot be had, nor in any caſe under a captain; and ſuch court ſhall have power and are required to adminiſter an oath to every witneſs.

Not leſs than 13, none under commiſſion officer, preſident not chief commander nor garriſon governor, nor under a field officer, if to be had, never under captain, power to adminiſter oath.

VI. *ſect.* 5. In all trials by general courts martial by this act, every member aſſiſting before any proceedings ſhall take the following oath upon the holy evangeliſts before the judge advocate or deputy, who are hereby authorized to adminiſter the ſame, that is to ſay, you ſhall well and truly try and determine according to your evidence in the matter now before you, ſo help you God.

I, A. B. do ſwear, that I will duly adminiſter juſtice, according to the rules and articles for the better government of his Majeſty's forces, and according to an act of parliament now in force for the puniſhment of mutiny and deſertion, and other crimes therein mentioned, without partiality, favour, or affection; and if any doubt ſhall ariſe which is not explained by the ſaid articles or act of parliament, according to my conſcience, the beſt of my underſtanding, and the cuſtom of war in the like caſes; and I further ſwear, that I will not divulge the ſentence of the court, until it ſhall be approved of by his Majeſty, or ſome perſon duly authorized by him; neither will I, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court martial, unleſs required to give evidence thereof as a witneſs, by a court of juſtice, in a due courſe of law. So help me God.

Member's oath.

And ſo ſoon as ſaid oaths adminiſtered to reſpective members, the preſident is required to adminiſter to the judge advocate or perſon officiating, an oath in following words.

I, A. B. *do ſwear, that I will not upon any account at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court martial, unleſs required to give evidence thereof as a witneſs by a court of juſtice in due courſe of law. So help me God.*

Judge advocate's oath.

And no ſentence of death ſhall be given in ſuch caſe by any general court martial, unleſs nine officers preſent concur; and where a court martial ſhall conſiſt of more officers than thirteen, the judgment ſhall paſs by concurrence of two thirds at leaſt of officers preſent: and no proceedings or trial ſhall be had upon any offence, but between eight in the morning and three afternoon, except in caſes which require an immediate example.

9 to concur on ſentence of death, 2-3ds where above 13. trial between 8 and 3, except immediate example.

VII. *ſect.* 6. In caſe of ſoldier convicted of deſertion, whenſoever the court martial ſhall not think the offence deſerving capital puniſhment, ſuch court martial may inſtead of corporal adjudge the offender, if they think fit, to ſerve as a ſoldier in any corps ſtationed in any of his Majeſty's dominions beyond ſeas, or in any foreign parts for life, or certain term of years according to degree of the offence; and if ſuch ſoldier afterwards, without leave from

On deſertion may adjudge to ſerve abroad for life or years, returning without leave before the term death.

from his Majeſty or commanding officer, return before expiration of the term, and convicted by a court martial, ſhall ſuffer death.

Copy ſentence & proceedings three months after.

VIII. *ſect.* 7. The party tried by any general court martial ſhall be intitled to a copy of ſentence and proceedings upon demand by himſelf, or on his behalf, (paying reaſonably) not ſooner than three months after, approved or not.

Original tranſ. mitted to chief ſecretary,

lodged with judge advocate general, kept in the office.

IX. *ſect.* 8. Every judge advocate, or perſon officiating at general court-martial, is required to tranſmit with as much expedition as time and diſtance can admit, the original proceedings and ſentence, to chief ſecretary of chief governor, to be laid before him, and when determination made, lodged with judge advocate general in Dublin; which original proceedings and ſentence ſhall be carefully preſerved in the office, that perſon entitled may be enabled to obtain copies, according to true intent of this act.

No proceedings, entry or copy, ſtamped.

X. *ſect.* 9. None of proceedings of any general or regimental court martial, nor any entry or copy, ſhall be charged with any ſtamp duty; any thing in any law, to contrary notwithſtanding.

No 2d trial, unleſs appeal from regimental court, no ſentence reviſed more than once.

XI. *ſect.* 10. No officer or ſoldier, acquitted or convicted, liable to be tried a ſecond time by ſame or other court martial for ſame offence, unleſs in appeal from a regimental to a general court martial; and no ſentence by any court martial, ſigned by the preſident, liable to be reviſed more than once.

Not to exempt proceedings at law.

XII. *ſect.* 11. Nothing in this act ſhall exempt any officer or ſoldier from being proceeded againſt by ordinary courſe of law.

Falſe certificate to excuſe muſter or ſervice, 50l. and diſabled,

no excuſe but duty, ſickneſs, priſon, or furlough, ſet down on roll, by whom, and on view of certificate.

XIII. *ſect.* 12. If any make, or give, or procure any falſe certificate to excuſe any ſoldier for abſence from muſter, or other ſervice he ought to attend or perform, upon pretence of other duty of the regiment, ſickneſs, being in priſon, or on furlough, every ſuch perſon ſhall for every ſuch offence forfeit fifty pounds, and be forthwith caſhiered and diſplaced from office, and utterly diſabled to hold any military office or employment within this realm; and no certificate ſhall excuſe abſence of any ſoldier but for reaſons above, or one of them; and commiſſary of muſters is to ſet down on the roll at time of muſter, the reaſon of abſence, and by whom certified, and not without view of ſuch certificate.

Falſe muſter,

ſigning the roll, taking gratuity,

on 2 witneſſes caſhiered and diſabled.

XIV. *ſect.* 13. Every officer that ſhall make any falſe muſter of man or horſe, and commiſſary, muſter maſter, or officer, who ſhall wittingly or willingly allow or ſign the muſter roll, or duplicate, and who ſhall directly or indirectly take, or cauſe to be, any money or gratuity for muſtering, or ſigning muſter roll or duplicate, upon proof upon oath by two witneſſes before a general court martial, ſhall for ſuch offence be forthwith caſhiered and diſplaced, and utterly diſabled to hold any civil or military office or employment within this kingdom.

Notice of muſter to C. Magiſtrate, who ſhall attend & aſſiſt diſcovery, penalty 50l. and diſcharged, roll ſigned by ſaid magiſtrate, &c. refuſing without reaſon, or not attending, muſtered

XV. *ſect.* 14. Every commiſſary or muſter maſter ſhall, a convenient time before muſter, give notice to mayor, chief magiſtrate, or officer of the place where the ſoldiers quartered, who is required to be preſent at every ſuch muſter, and give his utmoſt aſſiſtance for diſcovering any falſe muſter made, or offered; and every ſuch commiſſary or muſter maſter that ſhall neglect to give ſuch notice, or refuſe aid and aſſiſtance of ſuch magiſtrate or officer, ſhall forfeit fifty pounds, and be diſcharged; and no muſter roll ſhall be allowed, unleſs ſigned by ſaid mayor, chief magiſtrate or officer; but in caſe ſuch ſhall not upon due notice attend, or ſhall refuſe to ſign without

ſufficient

ſufficient reaſons, the commiſſary may muſter without incurring ſaid penalty; and ſuch muſter roll ſhall be allowed, though not ſigned; provided oath be made before any of juſtices of peace within forty eight hours after muſter, and ſaid roll then produced and examined by ſaid juſtice, who is hereby required to ſign the ſame, if no ſufficient objection.

without ſaid penalty, and allowed, on oath before a juſtice in 48 hours, roll examined, and ſigned, if no objection.

XVI. *ſect.* 15. If any falſely, or offer himſelf falſely or deceitfully to be muſtered, upon proof upon oath by two witneſſes before the next juſtice for the county, and certificate under hand of the commiſſary as aforeſaid, ſaid juſtice is impowered to commit ſuch offender to the houſe of correction for ten days; and if any wittingly or willingly lend or furniſh any horſe to be muſtered, which ſhall not truly belong to the trooper ſo muſtered, ſaid horſe ſhall be forfeited to informer, if the ſame belong to the perſon lending or furniſhing, or otherwiſe the perſon furniſhing or lending ſhall forfeit twenty pounds, upon oath by two witneſſes before next juſtice, which ſhall be levied by warrant under hand and ſeal of ſaid juſtice by diſtreſs and ſale of goods and chattles, rendering the overplus (if any be) to owner; and in caſe ſuch offender ſhall not have ſufficient, or not pay ſuch penalty within four days, the juſtice ſhall by warrant commit to the common goal, without bail or mainprize for three months, or cauſe to be publickly whipped, at diſcretion of ſuch juſtice; and ſaid forfeiture ſhall be to perſons that give information; and informers, if belonging to the ſervice, ſhall have a right to be diſcharged forthwith, if they demand.

False muſtering, or offering, on 2 witneſſes and commiſſary's certificate committed 10 days,

horſe falſely muſtered to informer if belonging to lender, or 20l. on 2 witneſſes by diſtreſs, &c.

if not ſufficient, or not paid in 4 days, impriſoned 3 months or whipped,

penalty to informer, and diſcharged on demand.

XVII. *ſect.* 16. Every commiſſion officer, ſtore keeper, or commiſſary, that embezzle or miſapply, or cauſe to be, or wilfully or through neglect ſuffer any proviſions, forage, arms, cloathing, ammunition, or military ſtores to be ſpoiled or damaged, upon proof upon oath by two witneſſes before a general court martial, ſhall be forthwith diſmiſſed ſervice, and forfeit one hundred pounds, and is required to make good at his own expence the loſs and damage aſcertained by ſuch court, which ſhall have power to ſeize goods and chattles of perſon offending, and ſell for payment of ſaid one hundred pounds and ſuch damage; and if ſufficient cannot be found and ſeiſed, the perſon offending ſhall be committed to priſon or common goal ſix months without bail or mainprize, and until he ſhall pay ſuch deficiency; and ſaid ſum ſhall be applied and diſpoſed as his majeſty ſhall appoint.

Embezzling or miſapplying ſtores, or ſuffering ſpoil or damage, on 2 witneſſes diſmiſſed, and 100l. and damage made good, aſcertained by court martial,

if not ſufficient impriſoned 6 months and till payment.

XVIII. *ſect.* 17. Every commiſſary or muſter maſter, do make oath before the mayor or chief magiſtrate attending, if a juſtice of peace, or otherwiſe before ſome other juſtice for the county where muſter taken, in manner and form following.

Muſter maſter's oath.

I, *A. B. do ſwear, that I ſaw at the time of taking the within muſter, ſuch men or horſes as are borne, and not reſpited, on the muſter roll, for which men or horſes a ſigned certificate or certificates are not endorſed on the back of the roll, certifying their being abſent from the muſter by reaſon of their being employed on ſome other duty of the regiment, or being ſick, in priſon, on furlough, or at graſs, or by a ſigned leave from the colonel or field officer, or officer commanding the regiment, troop, or company.*

Which oath ſaid commiſſary or muſter maſter is directed to inſert and ſubſcribe on back of the muſter roll tranſmitted into office of the commiſſary general.

indorſed and ſubſcribed on roll tranſmitted.

Withholding pay 1 month, or officer, receiving, refuſing when due, diſcharged from employ, & 100l. to informer

XIX. *ſect.* 18. If any paymaſter, agent, or clerk of any garriſon, regiment, troop, or company, wilfully detain one month the pay of any officer or ſoldier, (clothes and all other juſt allowances deducted) after ſuch pay received; or if any officer having received their ſoldiers pay, refuſe to pay each non commiſſion officer and ſoldier their reſpective pay when due according to rates eſtabliſhed by government, upon proof before a court martial as aforeſaid held and ſummoned, ſhall be diſcharged from employment, and forfeit to informer upon conviction before ſaid court one hundred pounds, levied as aforeſaid; and informer, if a ſoldier, if he demands it, ſhall be and is diſcharged further ſervice; any thing in this act to contrary notwithſtanding.

informer deſiring diſcharged.

Muſtering by wrong name, penalty as on falſe return.

XX. *ſect.* 19. If any officer or commiſſary muſter by a wrong name knowingly, upon conviction before a general court martial, ſhall ſuffer ſuch penalty, and in ſuch manner, as inflicted by this act upon thoſe who make falſe returns.

Agents to obſerve orders under ſign manual or by C. governor,

or diſabled.

XXI. *ſect.* 20. That a true and regular account may be kept and rendered by agents of regiments and independant troops and companies, ſaid agents are required to obſerve orders and directions, by his Majeſty under ſign manual, or by chief governor; and if any agent ſhall refuſe or neglect, he ſhall be diſcharged from office, and utterly diſabled to hold any ſuch office in his Majeſty's ſervice in this kingdom.

Non commiſſion officer embezzling or miſapplying reduced to private, under ſtoppage, and corporal puniſhment.

XXII. *ſect.* 21. Every non commiſſion officer convicted at a general or regimental court martial of having embezzled or miſapplied any money, with which intruſted for payment of men under his command, or for inliſting, ſhall be reduced to ſerve in the ranks as a private ſoldier, and put under ſtoppages, until made good; and ſuffer ſuch corporal puniſhment (not extending to life or limb) as the court think fit.

Suſpected deſerter apprehended by conſtable, examined by a juſtice,

XXIII. *ſect.* 22. It ſhall be lawful for the conſtable of the town or place where any, reaſonably ſuſpected to be a deſerter, found, to apprehend, or cauſe to be, and to be brought before any juſtice, in or near ſuch place, who hath hereby power to examine ſuch perſon: and if by confeſſion, or one or more witneſſes upon oath, or knowledge of ſaid juſtice, ſuch ſuſpected perſon is a liſted ſoldier, and ought to be with the troop or company to which he belongs, ſuch juſtice ſhall forthwith cauſe him to be conveyed to the goal of the county or place where found, or houſe of correction, or other publick priſon in ſuch place where apprehended, or to the provoſt in caſe apprehended in Dublin, or places adjacent, and tranſmit an account thereof to the chief ſecretary, to the end ſuch perſon may be proceeded againſt according to law; and the keeper ſhall receive the full ſubſiſtence of ſuch deſerter, during the time he ſhall continue in ſuch cuſtody, for maintenance of ſaid deſerter, but ſhall not be intitled to any fee or reward on account of impriſonment of ſuch deſerter; any law, uſage, or cuſtom to contrary notwithſtanding.

impriſoned, in Dublin to the provoſt,

full ſubſiſtence received by gaoler,

but no fee.

20s. every deſerter paid by collectors on juſtice's warrant,

and allowed on account.

XXIV. *ſect.* 23. Such juſtice ſhall iſſue warrant to collectors of revenue in diſtrict where ſuch deſerter apprehended, for paying out of revenue into hands of ſuch perſon who ſhall apprehend, or cauſe to be, any deſerter, twenty ſhillings for every ſuch deſerter ſo apprehended and committed; which ſhall be ſatisfied by ſuch collectors, to whom warrant directed, and allowed upon his account.

To harbour or aſſiſt 5l.

XXV. *ſect.* 24. If any harbour, conceal, or aſſiſt deſerter from ſervice, knowing him ſuch, the perſon ſhall forfeit for every ſuch offence five pounds,

or

or if any knowingly detain, buy, or exchange, or otherwiſe receive any arms, clothes, caps, or other furniture belonging to the King, from any ſoldier or deſerter, or other, upon any account or pretence, or cauſe the colour of ſuch clothes to be changed, the perſon ſhall forfeit for every ſuch offence five pounds; and upon conviction by oath of one or more credible witneſſes, before any of juſtices of peace, the ſaid reſpective penalties ſhall be levied by warrant, by diſtreſs and ſale of goods and chattles of offender; one moiety of ſaid firſt five pounds to be paid to informer by whoſe means deſerter apprehended, and of ſaid laſt five pounds to informer, and reſidue of ſaid reſpective penalties to be paid to the officer to whom ſuch deſerter or ſoldier did belong; and in caſe any ſuch offender convicted of harbouring or aſſiſting, or having knowingly received furniture belonging to the king, or cauſed the colour of ſuch clothes to be changed, contrary to this act, ſhall not have ſufficient goods and chattles whereon diſtreſs may be made, or not pay ſuch penalties within four days after conviction, ſuch juſtice ſhall by warrant commit ſuch offender to common goal, without bail or mainprize three months, or cauſe to be publickly whipped at diſcretion of ſuch juſtice.

detain or receive King's furniture, or change the colour, 5l.

on oath levied on warrant by diſtreſs and ſale, to informer apprehending, and to the officer,

if not ſufficient diſtreſs, or penalties not paid in 4 days, impriſoned 3 months or whipped.

XXVI. *ſect.* 25. No commiſſion officer ſhall break open any houſe to ſearch for deſerters without warrant from a juſtice; and every commiſſion officer, who ſhall without warrant from one or more juſtices, (which ſaid juſtices are impowered to grant) forcibly enter into or break open dwelling houſe or out houſes of any perſon under pretence of ſearching for deſerters, ſhall upon due proof forfeit twenty pounds.

Forcible entry or breaking open without warrant 20l.

XXVII. *ſect.* 26. It ſhall be lawful for his Majeſty to form, make, and eſtabliſh articles of war for better government of his forces, and for bringing offenders againſt the ſame to juſtice, and to erect and conſtitute courts martial with power to try, hear, and determine any crimes or offences by ſuch articles, and inflict penalties by ſentence or judgment of the ſame.

Articles of war formed, and courts martial to determine offences and puniſh.

XXVIII. *ſect.* 27. No perſon adjudged to ſuffer puniſhment extending to life or limb by ſaid articles, except for crimes expreſſed ſo puniſhable by this act.

Not to life or limb, unleſs in this act.

XXIX. *ſect.* 28. If any officer or ſoldier ſhall in any of his Majeſty's dominions beyond ſeas or elſewhere commit any of offences triable by court martial by this act, and come into this realm, before tried, ſuch officer or ſoldier ſhall be tried, as if ſaid offence committed within this realm.

Trial as if offence within the realm.

XXX. *ſect.* 29. No perſon acquitted or convicted of any capital crimes, violences, or offences by civil magiſtrate, ſhall be liable to be puniſhed by a court martial for the ſame, otherwiſe than by caſhiering.

Acquitted or convicted by civil magiſtrate, not puniſhed by court martial, ſave caſhiering.

XXXI. *ſect.* 30. If any officer, non commiſſion officer or ſoldier, accuſed of any capital crimes, or violence or offence againſt perſon, eſtate, or property of any ſubjects, puniſhable by the known laws, the commanding officer is required to uſe utmoſt endeavours to deliver over ſuch to the civil magiſtrate, and to be aiding and aſſiſting to officers of juſtice in ſeizing and apprehending to bring to trial; and if ſuch commanding officer wilfully neglect or refuſe upon application, and convicted before any two or more juſtices for the county where the fact committed, by oath of two credible witneſſes, ſhall be deemed caſhiered, and utterly diſabled to hold any civil or military office or employment, provided ſaid conviction be affirmed next aſſizes or quarter ſeſſions for ſaid county, and a certificate tranſmitted to the judge advocate, who is obliged to certify the ſame to next court martial.

Commanding officer to aſſiſt in apprehending and delivering to civil magiſtrate, or caſhiered and diſabled, convicted before 2 juſtices by 2 witneſſes, affirmed next aſſizes or ſeſſions, certified to judge advocate, by him to next court martial.

XXXII. *ſect.*

Account to executors or adminiſtrators for pay received,

penalty 100l.

XXXII. *ſect.* 31. Every preſent and future paymaſter, agent, or clerk of any garriſon, regiment, troop, or company, liable to account with any executors and adminiſtrators of every officer or ſoldier for pay received, ſhall on reaſonable demand by ſuch executor or adminiſtrator deliver a juſt and true account of ſums ſo reſpectively received, and for which they ought ſo to account, ſuch executor or adminiſtrator paying for the ſame, and ſhall account with ſuch executor or adminiſtrator; and every ſuch paymaſter, agent, or clerk offending herein ſhall forfeit one hundred pounds to any who inform and ſue by action of debt, bill, plaint, or information in any courts of record in Dublin, wherein no eſſoign, protection, wager of law, or more than one imparlance allowed.

General iſſue pleaded, and ſpecial matter in evidence,

and treble coſts on nonſuit, &c.

XXXIII. *ſect.* 32. If any action, bill, plaint, or ſuit brought for any act, matter or thing in purſuance of this act, it ſhall be lawful to plead the general iſſue, not guilty, and to give ſuch ſpecial matter in evidence to the jury, which pleaded had been ſufficient in law to have diſcharged defendants of the treſpaſs or matter laid to their charge; and if the verdict paſs with defendants, or plaintiffs become nonſuit, or ſuffer any diſcontinuance, the judge ſhall allow defendants treble coſts, ſuſtained by their wrongful vexation, for which defendants ſhall have like remedy as in other caſes where coſts given to defendants.

Suit only in court of record in Dublin.

XXXIV. *ſect.* 33. Every bill, plaint, action, or ſuit for any thing done in purſuance of this act, or againſt any member or miniſter of a court martial in reſpect of, or of any thing in purſuance of ſuch ſentence, ſhall be brought in ſome of the courts of record in Dublin, and in no other.

Procuring to deſert, or endeavouring, 40l.

XXXV. *ſect.* 34. If any directly or indirectly perſuade, or procure, or endeavour, any ſoldier in ſervice to deſert, ſuch perſon being lawfully convicted, ſhall forfeit forty pounds, recovered in any courts of record at Dublin.

None liſted taken by proceſs or execution (ſave criminal matter) unleſs for real debt, or juſt cauſe, and affidavit of amounting to 20l. above coſts and indorſement on the proceſs or writ,

XXXVI. *ſect.* 35. To prevent unjuſt or fraudulent arreſts upon ſoldiers, whereby his Majeſty and the publick may be deprived of their ſervice, no perſon liſted or who ſhall liſt and enter as a volunteer in his Majeſty's ſervice as a ſoldier, ſhall be liable to be taken out of ſervice by any proceſs or execution, other than for ſome criminal matter, unleſs for a real debt, or juſt cauſe of action, and unleſs before the taking out proceſs or execution (not being for a criminal matter) the plaintiff or other on his behalf, make affidavit before one or more judges of the court of record, or other court out of which ſuch iſſue, or before ſome perſon authorized to take affidavits in ſuch courts, that to his knowledge the original ſum juſtly due to the plaintiff from defendant or defendants in the action on which ſuch proceſs ſhall iſſue, or the original debt for which ſuch execution iſſued, amounts to twenty pounds at leaſt over and above all coſts of ſuit in the ſame or other action on which the ſame grounded, a memorandum of which oath ſhall be marked on ſuch proceſs or writ, for which memorandum or oath no fee ſhall be taken; and if any arreſted contrary to this act, it ſhall be lawful for one or more judges of ſuch court upon complaint by the party, or any of his ſuperior officers, to examine the ſame by oath of parties, or otherwiſe, or by warrant under hands and ſeals to diſcharge ſuch ſoldier without paying any fee or fees, upon due proof that ſuch ſoldier was legally inliſted, and arreſted contrary to this act; and alſo to award ſuch coſts as ſuch judges think reaſonable; for recovery whereof he ſhall have like remedy, that the perſon who takes out ſaid execution, or plaintiff in like action might have had for recovery of coſts, in caſe judgment had been given for him with coſts againſt defendant in ſaid action.

on complaint by party or ſuperior officer examined on oath, diſcharge without fee on proof of inliſting and of arreſt contrary to this act, and coſts awarded, with like remedy.

XXXVII. *ſect.*

XXXVII. *ſect.* 36. That honeſt creditors who aim only at recovery of juſt debts from perſons entered into and liſted in ſervice, may not be hindered from ſuing, but be aſſiſted and forwarded, and inſtead of arreſt, which may hurt the ſervice and occaſion great expence and delay to themſelves, may be enabled to proceed in a more ſpeedy and cheap method; it ſhall be lawful for any plaintiff upon notice firſt in writing of the cauſe of action to perſons ſo entered, or left at laſt place of reſidence before liſting, to file a common appearance in any action for or upon account of any debt whatſoever, ſo as to intitle plaintiff to proceed therein to judgment and outlawry, and execution thereupon, other than againſt the body or bodies of them ſo liſted; this act or any thing herein or any former law or ſtatute to contrary notwithſtanding.

On notice in writing common appearance filed, judgment, outlawry, and execution, ſave againſt the body.

XXXVIII. *ſect.* 37. No ſoldier arreſted or confined for debt intitled to any part of his pay from the day of ſuch arreſt or confinement, until day of his return to the regiment, troop, or company.

No pay during confinement.

XXXIX. *ſect.* 38. After fifteenth of June 1782, as often as any ſhall be liſted as ſoldiers, they ſhall within four days, but not ſooner than twenty four hours, after liſting be carried before the next juſtice of any county, city, or place, or chief magiſtrate of any city, or town corporate, not officer in the army, and be at liberty to declare diſſent; and upon ſuch declaration, and returning liſting money, and alſo paying twenty ſhillings for charges expended upon him, ſuch perſon ſhall be forthwith diſcharged and ſet at liberty in preſence of ſuch juſtice or chief magiſtrate; but if ſuch perſons refuſe or neglect within twenty four hours to return and pay ſuch money, deemed liſted, as if they had given aſſent before ſaid juſtice or magiſtrate, or if ſuch declare having voluntarily liſted, ſuch juſtice or magiſtrate ſhall forthwith certify duly liſted, ſetting forth place of birth, age, and calling reſpectively, if known; and that the ſecond and ſixth ſections of the articles of war againſt mutiny and deſertion were read to them, and that they had taken the oath in ſaid articles; and if any ſo certified as duly enliſted refuſe to take ſaid oath of fidelity before ſaid juſtice or magiſtrate, it ſhall be lawful for ſuch officer, from whom he has received ſuch money to detain or confine, until they take the oath; and every military officer, that ſhall act contrary or offend herein, ſhall be caſhiered, and incur like penalty and forfeiture as by this act inflicted upon any officer for falſe or untrue muſter; levied and recovered as any penalties or forfeitures by this act.

In 4 days, but not before 24 hours, after liſting carried before next juſtice or chief magiſtrate, not an officer, and may diſſent, returning liſting money, and 20s. for expences, diſcharged forthwith, neglecting 24 hours deemed liſted, voluntary liſting certified, place of birth, age, and calling, and reading 2d and 6th ſec. of the articles, and taking oath therein, confined till oath taken, officer offending caſhiered, and penalty as for falſe muſter.

XL. *ſect.* 39. If any receive liſting money from any officer knowing it and abſcond or refuſe to go before ſuch juſtice or chief magiſtrate to declare aſſent or diſſent, ſuch deemed liſted to all intents, and proceeded againſt as if they had taken the oath by ſaid articles before ſuch juſtice or magiſtrate.

Receiving liſting money knowing it, and abſconding, deemed liſted, and proceeding as if oath taken.

XLI. *ſect.* 40. Officers or perſons employed in the trains of artillery, at all times ſubject to penalties and puniſhments in this act, and in all reſpects within intent and meaning of every part during the continuance.

Artillary ſubject.

XLII. *ſect.* 41. As often as neceſſary it ſhall be lawful for officers of land and marine forces to ſit in conjunction upon courts martial, and proceed in the trial of any officer or ſoldier of land forces in like manner to all intents, as if compoſed of land forces only; and are to take rank according to ſeniority of commiſſions in either ſervice.

Land and marine may ſit in conjunction, rank by ſeniority.

XLIII. *ſect.* 42. To prevent all doubts in relation to puniſhing crimes and offences againſt the preſent act for better accommodation of his Majeſty's forces in Ireland; all crimes and offences which have been committed againſt ſaid act ſhall and may during continuation of this act be enquired of, heard, tried, and determined,

Proceedings not diſcontinued, executed as if commenced under this act.

determined, adjudged, and punished before and by like courts, persons, powers, authorities, ways, means, and methods, as the like crimes and offences against this act; and the proceedings of a court martial upon any trial begun under authority of said act, shall not be discontinued by expiration of the same, but it shall be lawful to proceed to judgment upon such trial, and to carry such into execution, as if the proceedings had been commenced under this act.

Not tried for offence above 3 years save desertion.

XLIV. *sect.* 42. No person shall be liable to be tried and punished for any offence against said act, committed more than three years before issuing the commission or warrant for such trial, except only for desertion.

6 Ann, c. 14. s. 8. recited,

not sufficient barracks,
necessary to station where none or not sufficient,
in such cases constables and chief officers and magistrates,
in default one justice in or near the place, shall quarter and billet in inns, livery stables, retailers of liquors, &c.
and where not room, as heretofore,
not more billets than soldiers,
delivered to commander,
quartering in other without consent,
remedy at law for damage,
quartering otherwise, or using menace or compulsion,
on oath of 2 witnesses cashiered and disabled,
conviction before 2 justices affirmed next assizes or sessions,
sent to judge advocate,
certified to next court martial,
if more billeted than a proportion, quartered on others,
on complaint to two justices if the magistrate be a justice.

XLV. *sect.* 44. Whereas by sixth of Queen Ann, no officer, soldier, or trooper, nor servant of officer, nor attendant on train of artillery, nor yeoman of guard of battleaxes, nor officer commanding, nor servant of such shall be allowed quarters, save only during march, or such time as in some sea port town to be transported, or any commotion by which emergency his Majesty's army or any considerable part, shall be commanded to march from one part to another; and whereas the barracks are not sufficient to lodge all the forces, and it may be necessary to station part of the troops where there are not barracks, or not sufficient to hold them: during this act, and no longer, it shall be lawful in such cases, notwithstanding said recited act, for constables and chief officers and magistrates of cities, towns, and villages, and other places, and in their default or absence for any one justice of peace in or near any such, and for no others, and such constables and chief magistrates, are required to quarter and billet the officers and soldiers in service, in inns, livery stables, ale houses, victualling houses, and of sellers of wine by retail to be drank in their own houses or places belonging, and of persons selling brandy, strong waters, cyder, or metheglin by retail, and where not sufficient room in such houses, in such manner as heretofore customary; nor shall any more billets at any time be ordered than there are effective soldiers present to be quartered; all which billets by such chief magistrates or constables shall be delivered to commanding officer present; and if any constable, officer, or magistrate presume to quarter or billet in any house not within meaning of this act without consent, owner or occupier shall have remedy at law against such magistrate or officer for the damage, and if any military officer quarter soldiers otherwise, or use or offer any menace or compulsion to or upon any mayors, constables, or civil officers tending to deter or discourage any of them from performing any duty hereby required, such officer shall for every such offence, being convicted before any two or more of the next justices of the county by oath of two credible witnesses, be deemed *ipso facto* cashiered, and utterly disabled to hold any military employment, provided the same be affirmed next assizes or quarter sessions for said county or county of a city, and a certificate thereof transmitted to judge advocate, who is obliged to certify the same to next court martial; and in case any aggrieved, in that such constable, chief officer, or magistrate, not being a justice, has quartered or billeted in his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the division, city, or liberty, where such soldiers quartered, or in case such chief officer or magistrate shall be a justice of peace, then to two or more justices, such justices shall have power to relieve by ordering so many to be removed, and quartered upon other persons, as they see cause; and such persons shall be obliged to receive such soldiers.

XLVI. *sect.*

XLVI. *ſect.* 45. At no time a leſs number than two men ſhall be billeted in any one houſe, and ſuch billets may be changed once every month, if thought neceſſary by the chief magiſtrate, to prevent any burthen from falling heavy on particular individuals.

Not under 2 in one houſe, billets may be changed monthly, if neceſſary.

XLVII. *ſect.* 46. That quarters may be duly paid and ſatisfied, excite better anſwered, and owners of houſes, on whom billeted, encouraged to provide proper accommodation; except during march, or any commotion, or ſuch time as recruits or parties ſeparated from regiments, and employed in recruiting, payment ſhall be made for each officer and ſoldier, during the time they occupy ſuch billet, at following weekly rates; in Dublin for each field officer and captain, eight ſhillings; each ſubaltern, ſeven; ſerjeant of dragoons or foot, or corporal of horſe, one and a penny; trooper, dragoon, or foot ſoldier, ſix pence half penny; in the country, each field officer or captain, five ſhillings; ſubaltern, three and ſix pence; ſerjeant or corporal, one ſhilling; trooper, dragoon, or foot ſoldier, ſix pence; the payment of officers lodgings by officers themſelves in accuſtomed manner; of the men's monthly by commanding officer of each corps in each quarter, in conſequence of money ſent for that purpoſe by regimental agents; and to enable agents to remit, ſuch ſums ſhall be advanced to them as neceſſary, for which the regiments accountable, and accounted for in uſual manner; four pence per week ſhall be paid to owners of ſtables for each horſe, during the time each ſhall remain, in ſuch manner and circumſtances as quarters of the men are paid; and in caſe any troop or company ſuddenly ordered to march, and the commanding officers are not enabled to make payment for lodging the men and horſes, every ſuch officer ſhall before departure, make up accounts with every perſon, with whom ſuch troop or company quartered, and ſign a certificate which ſhall be tranſmitted to agent of the regiment, that immediate payment may be in accuſtomed manner.

Except on march, commotion, or recruiting, payment on billets by weekly rates, in Dublin, in the country, made by officers themſelves, the men's monthly by each commander, the money ſent by the agents, to whom advanced, regiments accountable,

4d. a week each horſe, as the quarters are paid,

on ſudden march accounts made up and certificate ſigned by officers,

tranſmitted to the agent for immediate payment.

XLVIII. *ſect.* 47. At no time when troops are on a march ſhall any be billeted above one mile from places mentioned in the route.

On march not above 1 mile from the route.

XLIX. *ſect.* 48. Where horſe or dragoons quartered or billeted the men and horſes ſhall be billeted in one and the ſame houſe, except in neceſſity, and in no other caſe whatſoever leſs than one man billeted where one or two horſes, nor leſs than two men where four horſes, and ſo in proportion for a greater number; and in ſuch caſe each man ſhall be billeted as near his horſe as poſſible.

Men and horſes in ſame houſe, except neceſſity, 1 man where 1 or 2 horſes, 2 where 4, ſo in proportion, each near his horſe.

L. *ſect.* 49. Whereas doubts have ariſen, whether commanding officers may exchange any man or horſes with another man or horſe quartered in ſame place for benefit of the ſervice; ſuch exchange may be made by ſuch commanding officers reſpectively, provided the number of men or horſes do not exceed the number at that time billeted on ſuch houſes, and conſtables, chief officers, and magiſtrates, where any regiment, troop, or company quartered, are required to billet ſuch men and horſes ſo exchanged accordingly.

Men and horſes may be exchanged and billeted, not to exceed the number.

LI. *ſect.* 50. Whereas by ſixth of Ann, and third of George the ſecond, and ſeventh of George the third, certain ſums were to be paid to owners of carriages for baggage of ſoldiers in march, and the rates by ſaid acts are not a ſufficient ſatisfaction: no perſons ſhall be compelled to take any loading, or forced to proceed in any march with carriages, until the officer or perſon who require ſuch ſhall pay down in hand to the owners or ſervants the ſums aftermentioned; for every hundred weight the owner of any wheel carriage

By 6 Ann, c. 14. 3 G. 2. c. 10. 7 G. 3. c. 14 payment for carriage of baggage on march not ſufficient, none compelled to load or march with

carriage till ſume paid down half penny per mile every 100wt. repaid by vice treaſurer without fee if under 600wt. each carriage not compelled under 3d. per mile.

riage ſhall take as loading, one halfpenny for every mile or reputed mile he ſhall march with his carriage, purſuant to ſaid acts; which ſum ſhall be repaid to ſuch officer or perſon paying by the vice treaſurer, without fee or reward on performing requiſites by ſaid acts.

Not forced to carry above 600wt. on one, conſenting, half penny per mile every 100lb. over.

LII. *ſect.* 51. Owners of ſuch carriages ſhall not be compelled to proceed under three pence per mile or reputed mile at leaſt, in caſe required to carry leſs than ſix hundred weight for each carriage.

LIII. *ſect.* 52. Such owners not obliged againſt conſent to carry on one carriage greater than ſix hundred weight; and if they conſent to carry a greater, ſhall be allowed and paid at rate of one halfpenny per mile for every hundred above ſix hundred put upon ſuch carriage.

Not compelled till weighed at their expence, if no let to ſervice.

LIV. *ſect.* 53. Owners not compelled to take any loading, until firſt duly weighed at expence of owners of ſuch carriages, if they think fit, and the ſame can be done in a reaſonable time without let or hindrance to ſervice.

19 & 20 G. 3. c. 16. repealed.

LV. *ſect.* 54. *An act for the better accommodation and regulation of his Majeſty's army in this kingdom*, repealed and made null and void for ever.

Not to continue longer than 25 Dec. 1783, except as to ſaid repeal.

LVI. *ſect.* 55. No part of this act ſhall continue longer than 25 December 1783, except only ſuch part as relates to repeal of an act, *for better regulation and accommodation of his Majeſty's army.*

5000 men on the eſtabliſhment, appointed for defence, may notwithſtanding an act this ſeſſion (c. 1.) be drawn out.

LVII. 21 & 22 *Geo.* 3. *cap.* 58. *ſect.* 1. To teſtify zeal for ſupport of his Majeſty's crown, and honour and ſafety of the Britiſh empire, any part of the troops upon this eſtabliſhment appointed to remain in this kingdom for its defence, not exceeding five thouſand, may notwithſtanding any thing in an act of this ſeſſion, be drawn out of this kingdom at ſuch time or times as his Majeſty ſhall think fit.

Not a charge during abſence.

LVIII. *ſect.* 2. The forces ſo drawn out ſhall not during their abſence remain a charge.

Continued to 25 Dec. 1783.

LIX. *ſect.* 3. This act ſhall continue till the 25 December 1783.

Arreſt.

Attaching in liberties.

I. *Eng. Stat.* Weſt. 1. 3 *Edw.* 1. *cap.* 35. None (except the King's miniſters) ſhall within a liberty attach any perſon paſſing thro' the ſame, and holding thereof, for any contracts, covenants, or treſpaſſes made or done out of ſuch liberty, on pain to pay double damages to the party grieved, and a fine to the King.

Cauſe of action to be expreſſed.

II. *Stat.* 7 *Will.* 3. *cap.* 25. *ſect.* 1. No perſon who ſhall be arreſted by force or colour of any writ, bill, or proceſs, iſſuing out of the court of King's bench and common-pleas, or other court of juſtice, in which proceſs, or at the foot thereof, the true cauſe of action is not expreſſed particularly, and for which the defendants are bailable by the ſtatute, made in the three and twentieth year of *Henry* VI. ſhall be compelled to give ſecurity for appearance in any penalty exceeding forty pounds.

Bail to be taken.

(62) And all ſheriffs, and other officers ſhall let to bail, and deliver out of their cuſtodies, every perſon by them arreſted upon any proceſs, wherein the cauſe of action is not particularly expreſſed, upon ſecurity in the ſum of forty pounds

pounds given for appearance, according to the ſaid ſtatute in the ſaid three and twentieth year of *Henry* VI.

Bonds diſcharged.

III. *ſect.* 2. Upon appearance entered in the term wherein ſuch proceſs is returnable, with the reſpective officer for the ſaid perſons, by attorney in the reſpective courts from whence the proceſs iſſued, the bonds given for appearance are hereby diſcharged; and after ſuch appearance entered, no amercement *ſhall* be ſet or eſtreated againſt any ſheriff, or other perſon, concerning the want of ſuch appearance.

Nonſuit for want of declaration.

(2) And unleſs the plaintiffs ſhall put into the court from whence ſuch proceſs did iſſue, their declaration againſt the perſons ſo arreſted, in ſome perſonal action, *ejectione firmæ* of lands and tenements, before the end of the term next following for appearance, a nonſuit for want of a declaration may be entered againſt the plaintiffs.

Coſts againſt plaintiffs.

(3) And every defendant in ſuch proceſs made ſhall have judgment to recover coſts againſt ſuch plaintiffs, to be taxed and levied as is provided by the ſtatute for coſts made in the three and twentieth year of *Henry* VIII.

Except *capias utlagatum*, &c.

IV. *ſect.* 3. This act ſhall not extend unto any arreſts to be made by virtue of any writ of *capias utlagatum*, attachment upon reſcues, or attachment upon any contempt, or of any attachment of privilege, or any other attachment for contempt iſſuing out of either of the ſaid courts, although there be no particular certainty of the cauſe of action expreſſed in the ſaid writs.

Sheriffs not to diſcharge.

(4) But no ſheriff nor any officers ſhall diſcharge any perſons taken upon any writ of *capias utlagatum* out of cuſtody, without a lawful *ſuperſedeas* firſt had, and upon the ſaid writs of attachment ſuch lawful courſe *ſhall* be taken for ſecurity for appearance therein, as hath been heretofore uſed. (*Eng. Stat.* 13 *Car.* 2. *Stat.* 2. *cap.* 2.)

Affidavit of cauſe of ſuit.

V. *Stat.* 6 *Geo.* 1. *cap.* 6. *ſect.* 9. In all caſes wherein any action ſhall be commenced in any courts for any county of a city or town, or for any borough, manor, liberty, juriſdiction or franchiſe, for any ſum exceeding ten pounds, in debt, detinue, trover, treſpaſs, or action of treſpaſs on the caſe; no perſons thereon arreſted ſhall be held to ſpecial bail, unleſs the plaintiffs, their agents or attorney, ſhall before the magiſtrates, or officers authorized to hold court of pleas where ſuch action ſhall be commenced, or their deputies, on application to them to that end made by the defendants arreſted, make appear by bond, bill, note, deed, leaſe, or other ſpecialty, or by ſome ſufficient affidavit that ſuch plaintiff have good cauſe of ſuit againſt ſuch defendants.

Special bail.

(2) And no defendants ſo arreſted ſhall be obliged on any action of debt ſo ſued forth, to give ſpecial bail for any greater ſum than what ſhall be ſo made appear to be due to the plaintiffs from ſuch defendants.

In double the ſum.

(3) Nor on any action of detinue, treſpaſs, trover, or actions of treſpaſs on the caſe, but where the plaintiffs, or their attorney or agent, ſhall by ſufficient affidavit make appear their cauſe of ſuit, and thereon the defendants ſhall not be obliged to give ſpecial bail for more than double the ſum which ſhall be made appear by ſuch affidavits, to be the juſt demand of the plaintiffs.

Diſcharge on appearance.

(4) And in all ſuch caſes wherein cauſe of bail ſhall not be made appear in manner aforeſaid on ſuch application, the defendants ſhall be

diſcharged out of cuſtody on entering their appearance to ſuch action by attorney.

Time of ſigning writ or proceſs to arreſt indorſed and entered;

VI. *Stat.* 15 & 16 *Geo.* 3. *cap.* 9. *ſect.* 11. For preventing abuſes by arreſting without any writ or legal proceſs to juſtify the ſame, by means whereof the duty, hereby given to the crown upon ſuch proceſs, will be loſt, after the 25th of December, 1775, every officer or clerk belonging, or which ſhall hereafter belong, to the king's bench, common pleas, or exchequer, who ſhall ſign any writ or proceſs before judgment to arreſt any perſon thereupon, ſhall, at the ſigning thereof ſet down upon ſuch writ or proceſs the day and year of ſigning the ſame; which ſhall be entered upon the remembrance roll, or in the book where the abſtract of ſuch writ or proceſs entered, upon pain to forfeit ten pounds for every offence or neglect; to be recovered by any perſon who ſhall ſue in any court of record, by action of debt, bill, plaint, or information, wherein no wager of law, protection, or eſſoign, or more than one imparlance allowed.

penalty 10l. to proſecutor.

To prevent loſs of duty by arreſt without writ, time of ſigning writ or proceſs to arreſt, indorſed and entered, penalty 10l. to proſecutor.

VII. *Stat.* 17 & 18 *Geo.* 3. *ſect.* 11. For preventing abuſes by arreſting without any writ or legal proceſs, by means whereof the duty upon ſuch proceſs will be loſt, after the 25th December 1777, every officer or clerk belonging to the king's bench, common pleas, or exchequer, who ſhall ſign any writ or proceſs before judgment to arreſt, ſhall at ſigning ſet down upon ſuch writ or proceſs, the day and year which ſhall be entered upon the remembrance-roll, or book where abſtracts of ſuch writ or proceſs entered, upon pain to forfeit ten pounds for every offence or neglect; recovered by any perſon who ſhall ſue in any court of record, by debt, bill plaint, or information, wherein no wager of law, protection, or eſſoign, or more than one imparlance allowed.

Time of ſigning writ or proceſs to arreſt before judgment indorſed, and entered,

penalty 10l.

VIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 8. *ſect.* 4. For preventing abuſes by arreſting without writ or legal proceſs, by means whereof the duty loſt; after twenty fourth June, one thouſand ſeven hundred and eighty, every officer or clerk belonging, or that ſhall hereafter belong, to king's bench, common pleas or exchequer, who ſhall ſign any writ or proceſs before judgment to arreſt any perſon thereupon, ſhall, at the ſigning, ſet down upon ſuch writ or proceſs the day and year of ſigning, which ſhall be entered upon remembrancer's roll, or in the book where abſtract of ſuch writ or proceſs entered, upon pain to forfeit ten pounds for every offence or neglect; to be recovered by any perſon who ſhall ſue in any court of record, by action of debt, bill, plaint, or information, wherein no wager of law, protection, or eſſoign, or more than one imparlance allowed.

2 *G.* 1. *c.* 11. after 1ſt September 1780 none arreſted under 2 *G.* 1. *c.* 11. where cauſe of action not 5l. or upwards,

IX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 38. *ſect.* 1. Whereas by an act, ſecond George the firſt, lawful for judges of aſſize, and ſuch who for county of Dublin hold general quarter ſeſſions, to determine in a ſummary way by Engliſh bill diſputes not exceeding ten pounds, and to decree executions, or to diſmiſs with coſts againſt body or goods, which execution ſheriffs are required to execute under penalties and forfeitures, and in manner as execution out of the four-courts,

four-courts; and the power of arreſt and impriſonment under the ſaid act, where the cauſe of action not five pounds, is oppreſſive: after firſt September, one thouſand ſeven hundred and eighty, no perſon ſhall be arreſted, impriſoned, or taken in execution, upon any decree, diſmiſs, or order of ſaid judges, council or juſtices, or any of them, under ſaid act, or by any warrant or proceſs thereon, where the cauſe of action ſhall not amount to five pounds or upwards; nor ſhall any ſheriff in ſuch caſe be liable to penalty, forfeiture, or demand, by non-execution thereof.

nor ſheriff liable for non execution.

X. *ſect.* 2. Nothing herein ſhall affect any proceſs againſt goods or effects of parties under ſaid act.

Proceſs againſt goods unde ſaid act not affected hereby.

XI. *ſect.* 3. After firſt September, one thouſand ſeven hundred and eighty, no perſon ſhall be taken by his body in execution upon proceſs out of any court of record, where the cauſe of action ſhall not amount to five pounds or upwards; and alſo no perſon ſhall be arreſted on meſne proceſs, or held to ſpecial bail upon any proceſs, or taken by body upon any execution iſſuing out of any court of record in this kingdom, iſſuing out of any inferior court or juriſdiction, the court of conſcience, and civil bill court of city of Dublin, and all other civil bill courts whatſoever only excepted, where the cauſe of action ſhall not amount to five pounds or upwards; any law, ſtatute, preſcription, or uſage to contrary in any wiſe notwithſtanding.

No perſon taken by body in execution on proceſs out of court of record, where cauſe of action not 5l. nor arreſted on meſne proceſs, or held to ſpecial bail, or taken by his body upon execution out of inferior court where the cauſe not 5l. court of conſcience and all civil bill courts excepted.

XII. *ſect.* 4. Nothing herein ſhall bar or defeat the right of any in ſuch ſuperior court of record, or inferior court, to proceed in the uſual manner heretofore againſt the eſtates, goods, or effects of parties reſpectively.

Proceeding as uſual againſt eſtate and effects not barred hereby.

XIII. *ſect.* 5. As perſons ſerved with proceſs out of inferior courts, where the debt under five pounds, may to avoid execution remove perſons and effects beyond the juriſdiction: where final judgment obtained in action or ſuit in any inferior court of record, it ſhall be lawful for any of four courts at Dublin, upon affidavit made and filed therein of ſuch judgment being obtained, and of diligent ſearch and enquiry after the defendants, or their effects, and of execution having iſſued againſt the perſons or effects, as the caſe may be, and that the perſons or effects of the defendants are not to be found within the juriſdiction of ſuch inferior court, which affidavit may be made before a judge or commiſſioner authorized to take affidavits, and ſuch ſuperior court to cauſe the record of the ſaid judgment to be removed into ſuch ſuperior court, to iſſue writs of execution thereupon to the ſheriff of any county, city, liberty, or place, againſt the perſons or effects of the defendants, in ſame manner as upon judgments in the four courts, Dublin; and the ſheriff upon every ſuch execution ſhall detain the defendants until twenty ſhillings be paid to him, or to levy the ſame out of the effects according to the nature of the execution, for the extraordinary coſts of the plaintiff in the inferior court ſubſequent to ſaid judgment, and of execution in the ſuperior court, over and above the money for which ſuch execution iſſued.

Where final judgment in inferior court of record, on affidavit thereof in any of the four courts, and of execution againſt defendant's perſon or effects, not to be found in the juriſdiction after diligent ſearch, the record removed into ſuperior court; writs of execution thereon to ſheriff againſt perſon or effects as upon judgments in four courts, ſheriff on ſuch execution ſhall detain defendant until 20s. paid him, or levy out of effects, for plaintiff's extraordinary coſts above the money for which

XIV. *ſect.* 6. After firſt September, one thouſand ſeven hundred and eighty, no execution ſhall be ſtayed or delayed by any writ of error or ſuperſedeas for reverſing judgment in any inferior court of record, where the damage under five pounds, unleſs perſons, in whoſe names ſuch writ of error brought, with two ſufficient ſureties, as the court, wherein ſuch judgment given, ſhall allow of, ſhall before ſuch ſtay made, or ſuperſedeas awarded, be bound unto the party, for whom judgment given, by recognizance in

execution. No ſtay of execution by error or ſuperſedeas to reverſe judgment in inferior court of record, where damages under 5l. unleſs firſt recognizance with

two ſureties in double the ſum to proſecute with effect, and if affirmed, &c. pay the debt and all coſts and damages.

in the ſame court in double the ſum adjudged to proſecute ſaid writ of error with effect, and to pay (if ſaid judgment affirmed, or writ of error nonproſſed) all the debt, damages, and coſts, and all coſts and damages awarded for delaying execution.

Where not 5l. no cauſe removed, unleſs like recognizance by defendant for debt and coſts.

XV. *ſect.* 7. No cauſe, where the cauſe of action ſhall not amount to five pounds or upwards, ſhall be removed into any ſuperior court by Habeas Corpus, or otherwiſe, unleſs the defendant, deſirous of removing, ſhall enter into like recognizance for payment of debt and coſts, in caſe judgment againſt him.

Sheriffs ſhall pay 10l. per cent for money received for plaintiff, withheld 1 month after requeſt without cauſe and treble coſts out of pocket.

XVI. *ſect.* 8. Any ſheriff or ſub-ſheriff, who ſhall receive after firſt September, in the year one thouſand ſeven hundred and eighty, any ſum by virtue of his office for any plaintiff, and withhold, without reaſonable cauſe for ſuch neglect, one calendar month after requeſt, ſhall pay ſuch plaintiff intereſt for ſuch ſum at the rate of ten pounds by the hundred, and treble coſts out of pocket on application to the court whence proceſs iſſues.

Day and year of ſigning writ or proceſs to arreſt indorſed at ſigning,

entered,

penalty 10l.

XVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 3. *ſect.* 4. For preventing abuſes by arreſting without any writ or legal proceſs, by means whereof the duty hereby to the crown upon ſuch proceſs may be loſt: from twenty fifth December one thouſand ſeven hundred and eighty one every officer or clerk belonging, or that ſhall hereafter belong, to king's bench, common pleas, or exchequer, who ſhall ſign any writ or proceſs before judgment, to arreſt any perſon thereupon, ſhall at the ſigning ſet down upon ſuch writ or proceſs the day and year of ſigning, which ſhall be entered on remembrancer's roll, or in the book where abſtracts of ſuch writ or proceſs entered, upon pain to forfeit ten pounds for every offence or neglect.

19 & 20 G. 3. c. 38. ſ. 1. recited,

XVIII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 61. *ſect.* 1. Whereas by twentieth of his Majeſty, *to prevent vexatious and frivolous arreſts*, no perſon ſhould be arreſted, impriſoned, or taken in execution upon any decree, diſmiſs, or order of any of his Majeſty's judges of aſſize in circuits, council or juſtices in ſaid act or any of them, under the therein recited act, or by virtue of any warrant or proceſs thereon, where the cauſe of action ſhould not amount to five pounds or upwards; nor ſhould any ſheriff in ſuch caſe be liable to any penalty, forfeiture, or demand, by reaſon of the non execution thereof: and whereas the reſtraint of arreſts in ſuch caſes of civil bills, under the decrees, diſmiſſes, and orders, though well founded in principle, hath been inconvenient in practice: ſo much of ſaid acts as relates to arreſts under decrees, diſmiſſes, or orders in caſes of civil bills, repealed, and henceforth declared null and void to all intents and purpoſes.

reſtraint of arreſt in caſes of civil bills inconvenient in practice, ſo much repealed, as relates to arreſts in caſes of civil bills.

19 & 20 G. 3. c. 38. ſ. 3 recited, reſtraint of arreſts, where cauſe of action not 5l. inconvenient in corporate towns, ſo much repealed.

XIX. *ſect.* 2. Whereas alſo by ſaid act no perſon ſhould be arreſted or impriſoned by or upon execution or other proceſs iſſuing out of any ſuperior or inferior court of record, or other inferior court where the cauſe of action ſhould not amount to five pounds or upwards, or held to ſpecial bail for the ſame upon any proceſs; and ſuch reſtraint of arreſts hath alſo been inconvenient, eſpecially in the great and commercial city of Cork and other corporate towns: ſo much of ſaid act, as relates to all ſaid laſt mentioned caſes of arreſts, ſhall alſo be repealed, and henceforth null and void, to all intents and purpoſes.

Aſſizes.

I. *Eng.* Magna Charta, 9 *Hen.* 3. *cap.* 12. Aſſizes of *novel diſſeiſin* and *mort d'anceſtor*, ſhall be taken in their proper ſhires in this manner: the King, or in his abſence out of the realm, the chief juſtices, ſhall once a year ſend the juſtices thro' every county, to take, together with the knights of the counties, ſuch aſſizes in thoſe counties; and ſuch things as cannot be there determined, ſhall be ended elſewhere in their circuits; alſo difficult matters ſhall be referred to the juſtices of the bench, and ſhall be there determined. Aſſizes where to be taken.

II. *Eng.* Magna Charta, 9 *Hen.* 3. *cap.* 13. Aſſizes of *darreine préſentment* ſhall be always taken before the juſtices of the bench, and there determined. Before juſtices of the bench.

III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 37. If any be attainted of *diſſeiſin* with robbery of goods, or with force, the diſſeiſee by aſſize of *novel diſſeiſin* ſhall recover his ſeiſin and damages, as well of the chattles and moveables as of the ſoil, and the diſſeiſor whether preſent or not, ſhall make fine, and if preſent ſhall be committed. Seiſin and damages.

IV. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 25. For eſtovers of wood, profit to be taken in woods, corrody, delivery of corn, or other victuals or neceſſaries to be received yearly in a certain place; toll, tronage, paſſage, pontage, and the like, to be taken in places certain; keeping of parks, woods, foreſts, chaſes, warrens, gates, and other bailiwicks and offices in fee, an aſſize of *novel diſſeiſin* ſhall lie; and in ſuch caſes the writ ſhall be, as in other caſes, *de libero tenemento.* And it ſhall alſo lie for common of turf-land, fiſhing and ſuch like common, appendant to freehold, or by ſpecial deed (as heretofore held place for common of paſture) provided the eſtate therein be (at leaſt) for life. *Novel diſſeiſin.*

(2) If any holding for years, or in ward, alien the fee, remedy ſhall be had by this writ, and both the feoffors and feoffees ſhall be had for diſſeiſors; ſo that during the life of any of them the ſaid writ ſhall hold place; and if they die, the remedy ſhall be by writ of *entry.* Aliening the fee.

(3) And the giving of this writ in new caſes, ſhall not diminiſh the force thereof in thoſe wherein it had force before, and remedy alſo ſhall be had thereby, in caſe where one feedeth in the ſeveral of another. Force of this writ.

(4) And in this ſuit, if the defendant fail to make good the exception which he propounds, he ſhall be adjudged a diſſeiſor without taking the aſſize, and ſhall give to the plaintiff double damages, and ſhall ſuffer a year's impriſonment. Double damages and a year's Impriſonment.

(5) And if the exception be alledged by a bailiff, the taking of the aſſize ſhall not be thereby delayed nor the judgment. Howbeit, if the maſter of ſuch bailiff afterwards offer to prove by record to the court, by matter of record, that there was juſt exception, whereby the plaintiff might have been barred, he ſhall have a *venire facias* to produce ſuch record; and then, if the juſtices ſee the record to be ſufficient, the plaintiff ſhall be warned to appear at a certain day, and the defendant ſhall then have again his ſeiſin and damages (if he paid any) which ſhall be reſtored to him double as aforeſaid, and the plaintiff ſhall be puniſhed by impriſonment at the diſcretion of the juſtices. Exception by bailiffs.

(6) In

Shewing releaſes.

(6) In like manner alſo ſhall the juſtices proceed, in caſe the defendant againſt whom an aſſize hath paſſed in his abſence, ſheweth deeds or releaſes, &c. and if the plaintiff purchaſed the aſſize contrary to his own deed, he ſhall be puniſhed as aforeſaid.

One ox only to be taken.

(7) And the ſheriff ſhall not take an ox of the diſſeiſee, but of the diſſeiſor only; and but one ox, tho' there be many diſſeiſors named in the writ; and that ox ſhall not exceed 5*s.* in value.

In *conſinio comitatus.*

V. *Eng. Stat.* 7 *Rich.* 2. *cap.* 10. An aſſize of *novel diſſeiſin* for rents iſſuing out of lands in diverſe counties ſhall be taken in *conſinio comitatus*, as is uſed for common of paſture in one county appendant to tenements in another.

Forcible entry.

VI. *Eng. Stat.* 4 *Hen.* 4. *cap.* 8. If any make forcible entry by way of maintainance, or take goods after ſuch forcible entry from the poſſeſſors of the freehold; if the party grieved, or any other in his name, will make affidavit that the entry was made in ſuch forcible manner, the chancellor ſhall grant a ſpecial aſſize without ſuing to the King.

Damages from diſſeiſor.

(2) And if the diſſeiſor ſhall be attainted thereof, he ſhall ſuffer one year's impriſonment, and reſtore double damages to the party grieved; and if he be convict by the aſſize, that he hath taken any goods of ſuch diſſeiſees, the juſtices ſhall award damages: and in every ſuch ſpecial aſſize ſhall be named one of the juſtices of one bench or the other, or the chief baron of the exchequer, if he be a man of law.

Panels of ſpecial aſſizes.

VII. *Eng. Stat.* 6 *Hen.* 6. *cap.* 2. The panels of ſpecial aſſizes ſhall be arrayed, and an indented copy thereof delivered by the ſheriff to the plaintiffs, tenants, and defendants, ſix days before the ſeſſions, if they demand the ſame: alſo bailiffs of franchiſes ſhall make their returns thereof to the ſheriff eight days before, upon pain to forfeit each of them ſheriff or bailiff, 40*l.*

Abatement of the writ.

VIII. *Eng. Stat.* 11 *Hen.* 6. *cap.* 2. In an aſſize of *novel diſſeiſin*, if the ſheriff be named a diſſeiſor by colluſion, to the end the writ may be directed to the coroners, and the aſſize ſecretly awarded by the tenant's default; upon the tenant's averment thereof, and if it ſhall alſo be found by the aſſize to be ſo, the juſtices ſhall abate the writ, and grievouſly amerce the plaintiff.

Abridging the plaint.

IX. *Stat.* 33 *Hen.* 8. *cap.* 3. The plaintiff in aſſize may abridge his plaint of any part whereunto a bar is pleaded, without prejudice to the reſidue; in like manner as he might do in caſe the plea in bar had been made to any certainty or number of acres. *See Tit.* Frauds and fraudulent conveyances, *Eng. Stat.* 21 *Hen. cap.* 3.

Attaint.

Freeholds.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 38. Attaints ſhall be granted upon inqueſts in plea of land, or of any thing touching freehold.

II. *Eng.*

II. *Eng. Stat.* concerning jurors, 14 *Edw.* 2. *cap.* 2. In attaint if the firſt jurors which ſhall be living appear not at the firſt grand diſtreſs, or be returned to have nothing, by their abſence there ſhall be no delay made of the taking of the jury. Jurors not appearing.

III. *Eng. Stat.* 1 *Edw.* 3. *cap.* 6. In a writ of treſpaſs, an attaint ſhall be granted by the chancellor without ſpeaking to the King, as well upon the principal as upon the damages. And in all caſes of attaints, the juſtices ſhall not let to take the attaints for the damages not paid. In writs of treſpaſs.

IV. *Eng. Stat.* 5 *Edw.* 3. *cap.* 6. *Niſi prius* ſhall be granted in attaints, but no eſſoign of the King's ſervice, or protection; and five days by the year ſhall be given before the juſtices of the common bench at leaſt. Niſi prius, in attaints.

V. *Eng. Stat.* 5 *Edw.* 3. *cap.* 7. Writs of attaint ſhall be granted as well in pleas of treſpaſs moved without writ as by writ, before juſtices of record, if the damages adjudged do exceed 40*s.* In pleas without writ.

VI. *Eng. Stat.* 28 *Edw.* 3. *cap.* 8. An attaint ſhall be granted as well upon a bill of treſpaſs, as upon a writ of treſpaſs, without having regard to the quantity of the damages. In bill of treſpaſs.

VII. *Eng. Stat.* 34 *Edw.* 3. *cap.* 7. An attaint ſhall lie as well in plea real as perſonal, and it ſhall be granted to the poor which will affie that they have nothing whereof to make fine ſaving their countenance without fine, and to all other by eaſy fine. In pleas real.

VIII. *Eng. Stat.* 11 *Hen.* 6. *cap.* 4. The plaintiff in attaint ſhall recover againſt all the jurors tenants and defendants, the coſts and damages which he ſhall ſuſtain by delay or otherwiſe in that ſuit. Damages againſt jurors

IX. *Eng. Stat.* 15 *Hen.* 6. *cap.* 5. *ſect.* 1. No ſheriff, bailiff, or coroner writs of attaint of plea of land, or of attaint of deeds concerning lands of the early value of 40*s.* or more, or of plea of goods or chattles perſonal worth 5 *l.* or more, ſhall impannel any but ſuch as inhabit within their bailiwicks, and have freehold or inheritance worth 20 *l. per annum*, and ſhall not return againſt them leſs iſſues than 40*s.* at the firſt writ of diſtreſs; 100*s.* at the ſecond, and double afterwards, in pain to forfeit 10*l.* to the King, and as much to the plaintiff: and none but perſons of that worth ſhall be impannelled on attaints, if challenge thereof be made by the plaintiffs. Qualification of jurors.

(2) If any of the defendants plead a foreign plea and fail thereof; the juſtices ſhall give judgment againſt them, as if the grand jury upon the articles of the writ had paſſed againſt them: howbeit, the reſt of the defendants ſhall not be prejudiced thereby, neither ſhall this act extend to cities or boroughs. Foreign plea.

X. *ſect.* 2. If there ſhall not be in the county under the degree of baron, enough of that worth to fill the panel, then ſhall the ſaid officers impannel and return the moſt ſufficient perſons there, under that worth in the like pain. Sufficient perſons.

Gavel kind.

XI. *Eng. Stat.* 18 *Hen.* 6. *cap.* 2. Owners of inheritance or free-hold lands in gavel-kind of 20*l. per annum*, may alſo be impannelled upon attaints notwithſtanding 15 *Hen.* 6. *cap.* 5.

Copy-holders.

XII. *Stat.* 13 *Hen.* 8. *cap.* 3. Any perſons being ſeiſed of lands, rents, or tenements in poſſeſſion or in uſe, unto the yearly value of ten marks above the charges, in fee ſimple, fee-tail, or for term of life, copyhold, and ancient demeſne, ſhall from henceforth paſs in every attaint.

Examining jurors.

(2) And the judges before whom any attaint hereafter ſhall be ſued have power, in caſe the jury of the ſaid attaint ſhould remain at any day for default of jurors, to examine the jurors appearing before them impannelled in any ſuch attaint, after the diſcretion of the judges, whether there be more ſufficient perſons within the county or franchiſe where ſuch attaint ſhall be ſued, to make by the whole pannel of twenty four jurors.

Adjoining county.

(3) And if it appear unto the ſaid judges by trial, or by examination of the jurors that then appear, that there be not enough of ſufficient perſons according to the effect of this act, within the ſaid county or franchiſe unreturned, the ſaid judges may award proceſs to the ſheriff or other officers of any county, liberty, or franchiſe next adjoining, *to return* as many jurors as ſhall need to be impannelled in the ſaid attaint, in like order as if the ſheriff or other officer of the ſhire, liberty, or franchiſe, where the ſaid attaint ſhall be commenced, had returned ſpecially, that there were no more freeholders ſufficient within his ſhire unreturned, to paſs in the ſaid attaint. Provided that this act extend not but only for falſe verdicts wherein attaints do lie.

Attornies.

I. *Stat.* 13 & 14 *G.* 3. *cap.* 23. *ſect.* 1 Whereas the admiſſion of attornies is of the greateſt conſequence and concern to the publick, particularly to the ſuitors: and it has been a frequent practice among the inferior claſs of attornies, to take apprentices of low education, whoſe circumſtances or condition, frequently induce them to be guilty of mean and improper practices, to diſhonour of the profeſſion, great injury and damage of their Clients, and the publick; after the 1ſt day of Trinity term, 1774, it ſhall be lawful for the judges of the King's Bench, or any two, and they are hereby required, to appoint the prothonotary of ſaid court, or his deputy, and four of the moſt reputable practiſing attornies of ſaid court, to examine all perſons applying to be admitted attornies of ſaid court, and for the other purpoſes herein mentioned, to continue during pleaſure of ſaid court, who are hereby required, if any of ſaid perſons ſhall be diſplaced, diſqualified to act, or diſabled to practiſe, to appoint one or more perſon or perſons in his or their places, ſo that the number of examiners ſhall not be leſs than four attornies at any time.

2 judges of B. R. to appoint the prothonotary or deputy, & 4 reputable practiſing attornies of ſaid court, examiners on admiſſion of attornies, during pleaſure; not leſs than 4 examiners at a time.

The like in C. B.

II. *ſect.* 2. After the 1ſt day of Trinity term 1774, it ſhall be lawful for judges of common pleas, or any two, and they are required in like manner to appoint the prothonotary, or deputy, and four of the moſt reputable practiſing attornies of the ſame court, to examine all perſons applying to be admitted attornies, and for the other purpoſes herein mentioned, to continue during pleaſure of court, who are hereby required, if any of the ſaid

ſaid perſons ſhall be diſplaced, diſqualified to act, or diſabled to practiſe, to appoint one or more in his or their places, ſo that the number of examiners ſhall not be leſs than four attornies at any time.

In exchequer.

III. *ſect.* 3. After the firſt day of Trinity term 1774, lawful for barons of exchequer, or any two, and they are required, to appoint the chief remembrancer, the treaſurer or ſecond remembrancer, and clerk of the pleas of the exchequer, or their reſpective deputies, and four of the moſt reputable practiſing attornies of ſaid court, to examine all perſons applying to be admitted attornies of ſaid court, and for the other purpoſes herein mentioned, to continue during pleaſure of ſaid court, who are required, if any of the ſaid perſons ſhall be diſplaced, diſqualified to act, or diſabled to practiſe, to appoint one or more in his or their places, ſo that the number of examiners ſhall not be leſs than four attornies at any time.

None admitted, unleſs beſides requiſites by 7 G. 2. c. 5. he procures a certificate of 3 examiners;

IV. *ſect.* 4. After the laſt day of Trinity term 1774, no perſon applying to be admitted attorney of ſaid courts, or any of them, ſhall be admitted, unleſs, over and above, and beſides the requiſites appointed to be performed by ſtatute 7 G. 2. ſuch perſon ſhall firſt procure a certificate of the ſaid perſons ſo appointed, or three of them, ſigned by them, ſetting forth, that they have ſtrictly enquired and examined into the morals and qualifications of the perſon ſo applying to be admitted, and that they think him a proper perſon to be ſo admitted; which certificate ſhall be filed in the court, of which ſuch perſon ſhall ſo apply to be admitted, and an atteſted copy thereof ſhall be produced and openly read in the ſaid court, previous to his being ſworn an attorney therein.

certificate filed, a copy firſt read in cout.

Notice of applying poſted on each court one full term before, with his name, maſter's, parents, and their reſidence, if living, and affidavit filed in the court;

V. *ſect.* 5. Every perſon, who ſhall ſo apply to be admitted attorney after laſt day of Trinity term 1774, ſhall give notice in writing of his intended application, to be publiſhed and poſted upon ſaid courts one full term preceding, ſpecifying therein his name and ſir-name, whom he ſerved, names and additions of his parents, and, if living, where they reſide; and ſuch publication of ſaid notice ſhall be made appear to the perſon ſo appointed by the court, or three of them, where ſuch perſon ſhall ſo apply to be admitted an attorney, by affidavit firſt filed in the proper office of ſuch court or courts, and for filing and atteſting the copies thereof two ſhillings, and no more, ſhall be paid.

fee 2s.

No apprentice admitted attorney unleſs ſhewing the judges by affidavit or other manner as directed, that the attorney, to whom bound, ſerved as by 7 G. 2. c. 5. and that 3 years before he attended the 4 courts 2 terms a year.

VI. *ſect.* 6. And whereas many inconveniencies and miſchiefs daily ariſe, by reaſon that perſons, legally admitted attornies, but who afterwards reſide for the moſt part in the country, do there take apprentices from the lower claſs, without education or any means of ſubſiſting, and cauſe them to be ſworn attornies of courts, where they never after appear, but become common barrators; and ſeveral attornies ſuffer perſons not qualified to proſecute and defend ſuits at law and in equity, in their names; no perſon whatſoever hereafter bound apprentice to an attorney of any of ſaid courts, ſhall be admitted an attorney thereof, unleſs he make appear to the judges of the court, in which he ſo applies, by affidavit or affidavits filed in the proper office, or an atteſted copy or copies thereof, (for the filing and copy of which two ſhillings, and no more, ſhall be paid) or in ſuch other manner as ſuch judges ſhall for that purpoſe appoint or direct, that as well the attorney, to whom he ſhall ſo have been bound, ſhall have ſerved, according to the aforeſaid of 7 G. 2. as alſo that the ſaid perſon, ſo applying to be admitted, ſhall have for three years next before the time of ſuch application attended two terms at leaſt in every year at the

four courts in Dublin, or ſuch one of them whereof ſuch attorney is a member.

Allowance for ſickneſs or accidents.

VII. *ſect.* 7. In caſe of ſickneſs or unavoidable accidents the judges and barons of ſaid courts reſpectively ſhall and may make ſuch allowances and exceptions, as they in their diſcretion think fit.

None to practiſe or uſe attornies name, unleſs regularly admitted in ſome other court; judges may order perſons to attend in court, and examine on oath as to practice without being qualified; not appearing on ſervice of order.

VIII. *ſect.* 8. No perſon ſhall be permitted to practiſe or make uſe of the name of an attorney of any of the ſaid four courts in Dublin, unleſs regularly admitted an attorney in ſome other of ſaid courts; and after the 1ſt day of Trinity term, 1774, it ſhall be lawful for the judges and barons of ſaid courts reſpectively, wherein any perſon not properly qualified preſume to act or practiſe, or make uſe of the name of any attorney as aforeſaid by order of court to require any perſon ſo making uſe of the name of any attorney, or otherwiſe practiſing without being properly qualified, as alſo any perſon permitting his name to be ſo uſed, and all and every ſuch other perſon or perſons as ſaid judges or barons reſpectively think neceſſary or proper, to appear in open court, and to examine upon oath ſuch perſon or perſons in relation to ſuch practice: and if ſuch unqualified perſon, or ſuch perſons permitting his name to be made uſe of as aforeſaid, ſhall upon ſuch order duly ſerved upon him refuſe or neglect to appear, or if after appearance by voluntary confeſſion, or proof by one or more credible witneſſes upon oath, it ſhall appear, that ſuch perſons have ſo acted or practiſed, or permitted their names to be made uſe of as aforeſaid, it ſhall be lawful for ſaid judges and barons, for every ſuch offence to puniſh ſuch unqualified perſon or perſons ſo permitting their names to be made uſe of as for a contempt of ſuch court.

Judges not prevented from examining admitting, or refuſing, as before.

IX. *ſect.* 9. This act ſhall not extend to prevent ſaid judges or barons, or any of them, from examining and enquiring into the character and qualifications of ſuch perſons, as apply to be admitted attornies in their courts, or from admitting or refuſing to admit ſuch perſons in ſuch manner and with diſcretion, as ſaid judges and barons have heretofore in that behalf lawfully uſed.

Attornies and Solicitors.

Attornies to do ſuit.

I. *Eng. Stat.* Merton, 20 *Hen.* 3. *cap.* 10. Every freeman that oweth ſuit to the county, tithing, hundred, or wapentake, or to a court-baron, may make an attorney to do his ſuit for him.

In *novel diſſeiſin.*

II. *Eng. Stat.* of York, 12 *Edw.* 2. *cap.* 1. The tenants in writs of *novel diſſeiſin* may make attornies: yet they may plead by bailiffs if they will, as they have uſed to do.

Perſonal appearance.

III. *Eng. Stat.* of Carliſle, 15 *Edw.* 2. *ſtat.* 1. Parties to fines, as well demandant or plaintiff as tenants or defendants, that will acknowledge their right of lands unto other in pleas of *warrantia chartæ*, covenant, *&c.* before the fines paſs, ſhall appear perſonally, ſo that their age, idiocy, or other default (if any be) may be diſcerned.

Inability to come to court.

(2) Provided that if any, by age, impotence or caſualty, is not able to come in court, one of the juſtices ſhall go to the party and receive his cognizance, and ſhall take with him a knight or man of good fame.

Barons

Barons of the exchequer and juſtices ſhall not admit attornies, but in pleas that paſs before them, and where they be aſſigned. Reſerved to the chancellor his authority in admitting attornies, and to the chief juſtices. Barons of the exchequer.

IV. *Eng. Stat.* 7 *Rich.* 2. *cap.* 14. They who ſhall depart the realm with the King's licence being of good fame, may before their departure have a patent from the chancellor, with the advice of the juſtices, enabling them to make general attornies to anſwer for them in writs of *præmunire facias*, and all other writs and plaints; in which patent particular mention ſhall be made of writs and plaints of *præmunire facias*. And thoſe attornies may make attornies under them. General attornies.

V. *Eng. Stat.* 4. *Hen.* 4. *cap.* 18. All attornies ſhall be examined by the juſtices, and by their diſcretion put into the roll. And thoſe that are by them approved, ſhall ſwear truly to ſerve in their offices, and to make no ſuit in a foreign county. And the other attornies ſhall be put out by the like diſcretion of the juſtices; and their maſters ſhall have notice thereof, leſt they be prejudiced thereby. And as any die or ceaſe, the juſtices ſhall appoint others, being virtuous, learned, and ſworn as aforeſaid. Examination and oath.

(2) And if any attorney be found notoriouſly in fault, he ſhall forſwear the court, and be never admitted into any other court. The treaſurer and barons of the exchequer ſhall purſue the like courſe there, at their diſcretion. Notoriouſly in fault.

VI. *Eng. Stat.* 4 *Hen.* 4. *cap.* 19. No officer of a lord of a franchiſe which hath return of writs, ſhall be an attorney in the ſame franchiſe. Officers of franchiſe.

VII. *Eng. Stat.* 7 *Hen.* 4. *cap.* 13. Impotent perſons that are outlawed, may make their attorney by permiſſion of any juſtice, or of the chief baron: howbeit, in the writ of *capias ad ſatisfaciendum*, the common law ſhall hold place. Impotent perſons.

VIII. *Stat.* 10 *Will.* 3. *cap.* 13. *ſect.* 1. No perſon ſhall practiſe or act as ſolicitor in any court of law or equity, or as agent or manager in any cauſe or ſuit in law or equity, or as ſeneſchal, or ſolicitor in any of the courts or offices in this kingdom, not having firſt taken the oaths, and ſubſcribed the declaration. (*viz. thoſe preſcribed by Eng. Stat.* 3 & 4 *Will.* & *Mar. cap.* 2.) Taking the oaths, &c.

IX. *ſect.* 2. Any perſon who ſhall practiſe as aforeſaid, before he ſhall have taken the oaths and ſubſcribed the declaration, contrary to the meaning of this act, ſhall for every ſuch offence forfeit one hundred pounds, to be recovered by ſuch perſons as will ſue for the ſame, in any court of record, by writ, bill, plaint, or information; in which no eſſoign, privilege, protection or wager of law ſhall be allowed. Forfeiture for acting before.

(2) And every perſon lawfully convicted of ſuch offence by ſuch ſuit, ſhall from thenceforth be incapable to be executors or adminiſtrators; or to take benefit by any legacy, gift, grant of any lands, &c. goods or chattles. Incapacity on conviction.

X. *ſect.* 3. No perſon ſhall act as ſolicitor, agent or manager in any cauſe or ſuit, in any courts of record, or as ſeneſchal or ſolicitor in any courts or offices in this kingdom, but ſuch perſons only who ſhall firſt take the oaths and ſubſcribe Educating children proteſtants.

ſubſcribe the declaration, and ſhall alſo educate all his children in the proteſtant religion.

Acting in their own ſuits.

XI. *ſect.* 4. Nothing in this act ſhall extend to prohibit any perſons, plaintiff or defendants in their own ſuits only, or to any menial ſervant acting as ſuch for his maſter in his ſuits only, in any court, and for no other perſon. (*Eng. Stat.* 7 & 8 *Will.* 3. *cap.* 24.)

Papiſts excluded.

XII. *Stat.* 6 *Ann. cap.* 6. *ſect.* 1. No papiſt or reputed papiſt, ſhall be allowed to act as ſolicitor, agent, or manager in any ſuit of law or equity, in any court of record, or in any eccleſiaſtical court, or court of admiralty, or as clerk in any ſheriff's office or on any commiſſions iſſued out of any court of equity, before he ſhall have taken the oaths, and ſubſcribed the declaration 10 *Will.* III. *cap.* 13. mentioned, as alſo the oath of abjuration (*preſcribed by Stat.* 2 *Ann. cap.* 6.) in one of the Four-courts in *Dublin.*

Penalty and diſabilities.

XIII. *ſect.* 2. If any papiſt or reputed papiſt, ſhall preſume to practiſe or act as ſolicitor, agent or clerk, contrary to this or the ſaid former act, (10 *Will.* III. *cap.* 13.) every perſon ſo offending, ſhall for every ſuch offence forfeit two hundred pounds, to be recovered in ſuch manner as by the ſaid former act is directed; and alſo incur and ſuffer the other penalties and diſabilities in the ſaid former act mentioned.

Oaths to be tendered.

XIV. *ſect.* 3. It ſhall be lawful for any perſon who ſhall know any papiſt or reputed papiſt, to practiſe as ſolicitor, agent, manager or clerk, openly in any of the courts, to demand that the oaths and declaration before mentioned, be forthwith tendered to him by the court.

Record on refuſal

(2) And in caſe the perſon ſo charged with practiſing as aforeſaid, ſhall refuſe to take the ſaid oaths and ſubſcribe the ſaid declaration, and proof be made by the teſtimony of two credible witneſſes upon oath, to the ſatisfaction of the lord chancellor or other judges, before whom ſuch cauſe depends, that the perſon ſo charged hath acted as ſolicitor, agent, clerk or manager, openly in the ſaid court before him, or upon the confeſſion of the party accuſed, the lord chancellor or ſuch other judges, ſhall order the perſon ſo refuſing, to be recorded as a popiſh ſolicitor convict of the ſaid offence.

Forfeiture and penalties.

(3) And every perſon ſo recorded, ſhall from thenceforth be deemed and adjudged a popiſh ſolicitor convict of the ſaid offence, and ſhall forfeit to the perſons, at whoſe inſtance the ſaid oaths and declaration were ſo tendered to him, two hundred pounds, and ſhall be committed in execution until he pay the ſame, and ſhall alſo incur and ſuffer the other penalties and diſabilities in the ſaid act mentioned.

No privilege.

XV. *ſect.* 4. No barriſter, attorney, officer, or other practiſer in law or equity, ſhall be allowed to inſiſt upon any privilege to exempt them from giving their teſtimony, and anſwering on oath as to their knowledge, in any matter that ſhall come in queſtion on any ſuit brought upon this or the ſaid former act.

Popiſh clerks or apprentices.

XVI. *ſect.* 6. No attorney, ſix-clerk, ſolicitor, officer, or deputy officer in any of the courts aforeſaid, ſhall preſume to take, keep, or have any papiſt, or reputed papiſt to be his apprentice or clerk, and no officer or deputy officer, ſhall willingly or knowingly permit, ſuffer or allow any popiſh ſolicitor, agent or manager, to ſearch or inſpect any of the records, pleadings, rules, orders or entries in their offices, or otherwiſe to practiſe as ſolicitor or agent there, upon pain and forfeiture for every ſuch offence, fifty pounds, to be recovered by

ſuch

ſuch perſons as will ſue for the ſame, by writ, bill, plaint or information in any courts of *Dublin*, in which no eſſoign, privilege or wager of law, or more than one imparlance, ſhall be allowed.

Special bail.

XVII. *ſect.* 7. All perſons who ſhall be ſued or proſecuted for any offence, done againſt this, or the ſaid former act, ſhall be held by the court in which they ſhall be proſecuted to ſpecial bail.

Perſons in their own ſuits.

XVIII. *ſect.* 9. Nothing in this act ſhall extend to prohibit any perſons, plaintiff or defendants in their own ſuits only, or to any menial ſervant acting as ſuch for his maſter in his ſuits only, in any courts, and for no other perſon whatſoever.

Licences to be taken.

XIX. *Stat.* 7 *Geo.* 2. *cap.* 5. *ſect.* 1. No perſon ſhall be permitted to practiſe as a ſolicitor in any of the four-courts in *Dublin*, who is not licenſed in manner hereafter mentioned; the maſters and ſix-clerks of the court of chancery, attornies and officers of any of the four-courts, and all deputies of ſuch officer and their clerks and apprentices, and the apprentices of ſolicitors licenſed according to this act, during the time of their being officers, deputies to officers, clerks and apprentices only excepted.

Proteſtants from fourteen.

XX. *ſect.* 2. No perſon ſhall be admitted an attorney, or licenſed to be a ſolicitor in any of the four-courts, who hath not been a proteſtant from his age of fourteen years, or for two years before his being admitted as an apprentice.

Service of apprenticeſhip.

(2) And who ſhall not have ſerved an apprenticeſhip for the ſpace of five years at leaſt to a ſix-clerk of the court of chancery in this kingdom, or in *England*, or to an attorney of one of the other courts in this kingdom, or to a ſolicitor admitted and licenſed in manner hereinafter mentioned, or to an attorney or ſolicitor duly admitted and licenſed in *England*.

Affidavit of ſerving.

(3) And who ſhall not before ſuch admiſſion procure an affidavit of ſuch ſervice to be made in the court where ſuch perſon ſhall be admitted, or before ſome perſon lawfully authorized by ſuch court to take affidavits, in caſe ſuch ſervice be in this kingdom; but in caſe ſuch ſervice be in *England*, then before a maſter of the high court of chancery there by ſome perſon of the proteſtant religion, which affidavit ſhall be filed in ſuch office belonging to ſuch court, as the lord chancellor or the judges of the reſpective courts where ſuch perſon ſhall be admitted, ſhall for that purpoſe appoint.

No fees for filing.

(4) For the filing of which affidavit and ſwearing of the ſame, no fee ſhall be taken, and every perſon ſo to be admitted ſhall, at the time of his admiſſion, take all the oaths and ſubſcribe the declaration required of perſons to be admitted into offices, by the ſtatute made in the ſecond year of the reign of Queen *Ann*, intituled, *An act to prevent the further growth of popery*, together with the oath herein after particularly mentioned.

Admiſſion void.

(5) But if it ſhall afterwards appear to the lord chancellor or the judges of the ſaid reſpective courts, that the facts in any ſuch affidavit are not true, it ſhall be lawful for the ſaid lord chancellor and the judges of the ſaid reſpective courts, to declare the admiſſion of any attorney or ſolicitor in purſuance of ſuch falſe affidavit, to be void.

Diſability and penalty.

(6) And after ſuch declaration, ſuch attorney or ſolicitor ſhall be diſabled to practiſe as an attorney or ſolicitor in any of the ſaid courts, by virtue of ſuch admiſſion, and the perſons making ſuch falſe affidavit, ſhall be liable to be proſecuted, convicted and puniſhed, in the ſame manner, as if they had been guilty

guilty of wilful and corrupt perjury in any action or ſuit depending in any of the ſaid courts.

Regiſtry of indentures.

XXI. *ſect.* 3. Every ſix-clerk, attorney or ſolicitor ſhall in the next enſuing term after his taking an apprentice, regiſter the indentures of apprenticeſhip between him and ſuch apprentice, in ſuch office as the reſpective courts, whereof ſuch perſons ſhall be a ſix-clerk, attorney or ſolicitor, ſhall for that purpoſe appoint, for which regiſtry every ſuch apprentice ſhall pay one ſhilling; and in caſe of default of ſuch regiſtry no ſuch apprentice's ſervice ſhall qualify him to be admitted an attorney or ſolicitor, purſuant to this act.

Oath to be taken.

XXII. *ſect.* 4 Every maſter in chancery, ſix-clerk of the court of chancery, barriſter at law, attorney and officer of any of the four-courts in *Dublin*, and every deputy, of ſuch officer, and every ſolicitor to be licenſed by this act, ſhall take the following oath, *viz.*

Tenor of the oath.

I. A. B. *do ſincerely promiſe and ſwear, that I will not willingly or knowingly ſuffer any barriſter at law, attorney, ſolicitor or other perſon, who by any act of Parliament made in this kingdom, is diſqualified to practiſe as a barriſter at law, attorney, or ſolicitor, to act or practiſe in my name, in any ſuit, cauſe, or matter in any court of law or equity in this kingdom, and that I will not knowingly take as an apprentice, or employ as clerk or ſolicitor, any perſon of the popiſh religion.*

When to be taken.

(2) Which oath ſhall be taken as is hereby directed, that is to ſay, every barriſter to be called or admitted, ſhall take the ſaid oath in one of the ſaid courts, ſome time in that term in which he ſhall be ſo called.

At the time of admiſſion.

(3) And every maſter in chancery, ſix-clerk of the ſaid court of chancery, attorney and officer of any of the ſaid courts, and every deputy of ſuch officer, and every ſolicitor who ſhall be admitted or licenſed, ſhall take the ſame at the time of ſuch admiſſion, or granting ſuch licence, in any of the ſaid courts wherein he ſhall be ſo admitted or licenſed.

Diſability till taken.

(4) And in caſe any maſter in chancery, ſix-clerk of the high court of chancery, barriſter at law, attorney or officer of any of his Majeſty's four-courts in *Dublin*, or any deputy of ſuch officer, or any ſolicitor to be licenſed, according to this act, ſhall omit or neglect to take the ſaid oath as is before directed, every ſuch perſon ſhall thenceforth be incapable of acting as a maſter in chancery, ſix-clerk in chancery, or officer of any of the ſaid four-courts, or deputy of ſuch officer, or of practiſing as barriſter at law, or as attorney or ſolicitor, either by themſelves or clerks in any of the four-courts, until they ſhall reſpectively take ſuch oath.

Examination on oath.

XXIII. *ſect.* 5. The judges of the reſpective courts, wherein any perſon diſqualified by this or any former laws now in force againſt popiſh ſolicitors to practiſe as a ſolicitor, ſhall preſume to practiſe as a ſolicitor, are required on reaſonable ſuſpicion thereof, or on notice to any of them given in writing, and ſigned by the perſon giving ſuch notice, to ſummon ſuch diſqualified ſolicitor, and ſuch other perſons, as ſuch judges ſhall think neceſſary or proper, to appear before ſuch judges, and to examine upon oath ſuch other perſons in relation to ſuch practice.

Fine and impriſonment.

(2) And if ſuch diſqualified perſon ſhall, upon ſummons in writing duly ſerved, refuſe or neglect to appear, or if after appearance by his voluntary confeſſion,

confeſſion, or by proof made by one credible witneſs upon oath, it ſhall appear that he has acted as a ſolicitor, to puniſh ſuch diſqualified ſolicitor as for a contempt of ſuch court, by fine or impriſonment, at the diſcretion of ſuch judges, ſo as ſuch fine do not exceed fifty pounds, nor be leſs than twenty five pounds, and ſo as ſuch impriſonment do not exceed ſix months.

(3) And in caſe of ſuch puniſhment, the party puniſhed ſhall not be liable to any other puniſhment for the ſame, but ſhall, as to ſuch offence, be exempt from the penalty or forfeiture in the former acts againſt popiſh ſolicitors. No further penalties.

XXV. *ſect.* 6. Every perſon ſhall be deemed a ſolicitor, within this and the ſaid former acts againſt popiſh ſolicitors, who not being a barriſter duly qualified by law, maſter in chancery, ſix-clerk, or officer of one of the ſaid courts, or his deputy, attorney or perſon qualified as aforeſaid, or clerk to ſuch barriſter, maſter in chancery, ſix-clerk, or officer, or his deputy, attorney or qualified ſolicitor, ſuch clerk having been of the proteſtant religion from his age of fourteen years, or for two years before he was admitted an apprentice as aforeſaid, draws, dictates or abbreviates pleadings, or tranſcribes or abbreviates any depoſitions or other evidence, in order to be made uſe of in any ſuit either at law or in equity, or takes upon himſelf the direction or management in any cauſe or ſuit, or the defence thereof in the four-courts, wherein he is not a party, nor concerned in intereſt. Who to be deemed ſolicitors.

XXVI. *ſect.* 7. Whereas ſome proteſtants, well affected to his majeſty's government, have for ſome time paſt practiſed as ſolicitors in the ſaid courts, ſuch of them ſhall be allowed to practiſe, who ſhall be licenſed by the lord chancellor, the maſter of the rolls, or by the lord chief baron and other the barons of the court of exchequer, by writing under their reſpective hands and ſeals on or before the laſt day of *Trinity* term one thouſand ſeven hundred and thirty four, ſuch perſons ſo licenſed, taking the oaths and ſubſcribing the declaration herein before preſcribed, in the court of chancery or the ſaid court of exchequer, after ſuch licence obtained and regiſtering ſuch licence in the ſaid court of chancery or exchequer, in ſuch offices as the reſpective courts ſhall appoint, and for which regiſtry a fee of one ſhilling and no more ſhall be paid by each perſon. Proteſtants licenſed.

(2) And for the future all ſolicitors, who ſhall be qualified to practiſe in the ſaid courts, ſhall be in like manner licenſed, and regiſter ſuch licence before they ſhall preſume to practiſe in the ſaid courts. Before they practiſe.

XXVII. *ſect.* 8. The reſpective courts in which any ſolicitors ſhall be licenſed and regiſtered, ſhall on the firſt day of the next enſuing term, after ſuch licence granted, cauſe the names of the perſons ſo licenſed to be wrote in paper or parchment, to be fixed in the moſt publick place of ſuch court, there to remain for that term. Names to be wrote and hung up.

XXVIII. *ſect.* 9. No ſix-clerk ſhall have at any one time more than ſix apprentices, and no attorney or ſolicitor ſhall have at one and the ſame time, more than three apprentices. Number of apprentices.

XXIX. *ſect.* 11. The preſent apprentices of ſix-clerks, attorneys, and ſuch proteſtants as heretofore acted as ſolicitors, may be admitted and ſworn attorneys and ſolicitors as heretofore hath been accuſtomed, taking ſuch oaths at their admiſſion, and ſuch ſolicitors obtaining ſuch licence, as are before preſcribed. Admiſſion as before.

XXX. *ſect.* 12. If any perſon be admitted a barriſter, ſix-clerk, attorney or ſolicitor, ſuch ſolicitors as were comprehended within the articles of *Limerick* excepted, Marrying popiſh wives &c.

excepted, ſhall marry within this kingdom, or out of the ſame, any woman of the popiſh religion, or educate or permit to be educated any of his children in the popiſh religion, ſuch perſon ſhall be thenceforth deemed a papiſt, and diſabled from being a barriſter, ſix-clerk, attorney or ſolicitor.

Unleſs converted in a year.

(2) Unleſs ſuch perſon ſo marrying, ſhall, within one year after ſuch marriage, procure ſuch wife to be converted to the proteſtant religion, and ſhall obtain a certificate under the hand and ſeal of the biſhop of the dioceſe, or archbiſhop of the province, or in their abſence, of the chancellor or vicar-general of ſuch archbiſhop or biſhop, that ſhe hath renounced the popiſh religion, and is become a proteſtant, and ſhall procure the ſaid certificate to be inrolled in the court of chancery in this kingdom.

After the death of ſuch wife.

XXXI. *ſect.* 13. If any perſon who ſhall incur any diſability by virtue of this act, in reſpect of marrying a woman of the popiſh religion, and not procuring her to be converted to the proteſtant religion within one year as aforeſaid, ſhall ſurvive ſuch wife, ſuch diſability ſhall after the death of ſuch wife, ceaſe and determine.

Maſter dying or clerk diſcharged.

XXXII. *ſect.* 14. If any ſix-clerk, attorney or ſolicitor, to whom any perſon ſhall be bound by indenture, to ſerve as a clerk purſuant to the directions of this act, ſhall happen to die before the expiration of the ſaid five years, or if ſuch contract ſhall by mutual conſent of the parties be vacated, or in caſe ſuch clerk be legally diſcharged by any rule or order of the court, wherein ſuch ſix-clerk, attorney or ſolicitor ſhall practiſe, before the expiration of the ſaid five years, then if ſuch clerk ſhall by indenture be obliged to ſerve, and ſhall accordingly ſerve as a clerk to any other ſix-clerk, attorney, or ſolicitor, who ſhall be qualified as before directed, during the reſidue of the ſaid term of five years, ſuch ſervice ſhall be as effectual, as if ſuch clerk had continued to ſerve as a clerk for the term of five years to the ſame perſon to whom he was originally bound, and ſhall be intitled to his admiſſion as attorney or ſolicitor, taking the uſual oaths, and the oaths herein directed, and being qualified as aforeſaid.

Apprentices to officers of the courts.

XXXIII. *ſect.* 15. It ſhall be lawful for the chief remembrancer and clerk of the pleas of the court of exchequer, and the ſeveral other officers of the ſaid court, and for the clerk of the crown, and the other officers of the court of King's-bench, and for the prothonotary and the other officers of the court of common-pleas, and for the clerk of the crown and hanaper, and for the regiſter, uſher and examiners of the court of chancery, to have each of them as many clerks and apprentices at one and the ſame time, as they think fit, not exceeding four, and that ſuch clerks having ſerved a clerkſhip to any of the ſaid officers, for any term not leſs than five years, may be admitted to be attorneys and ſolicitors of ſuch court wherein they ſhall ſo ſerve as clerks, in the ſame manner as any other perſon may be admitted who ſhall ſerve a clerkſhip to any ſworn attorney, ſuch clerks taking the oaths, and being qualified in every other reſpect to be admitted attorneys or ſolicitors, as is herein before directed.

Perſons out of the kingdom.

XXXIV. *ſect.* 16. No perſon hereby required to take the ſaid oaths, being out of this kingdom during the time hereby limited for the taking the ſame, ſhall be affected by not taking the ſame, ſo as ſuch perſons take the ſaid oaths in the next enſuing term after their return into this kingdom.

Perſons not being attornies.

XXXV. *ſect.* 17. No perſon ſhall be permitted to practiſe as ſolicitor in any cauſe to be tried before the juſtices of aſſize or *oyer* and *terminer*, and gaol delivery, in their reſpective circuits, or in any cauſe depending before the commiſſioners of his Majeſty's revenue, or their ſub-commiſſioners, or the commiſſioners

missioners of appeals, unless such person may lawfully act as a solicitor in one of the four-courts in *Dublin*, within the intention of this act.

(2) And in case any person hereby or by any former act disqualified to practise as a solicitor, shall presume nevertheless to practise as a solicitor in such circuits, or before the said commissioners, sub-commissioners, or commissioners of appeals, such persons offending therein, shall be punished as by this act is appointed. Punishment appointed.

XXXVI. *sect.* 18. This act shall not extend to any suits or prosecutions for any crimes whatsoever which by the laws of this kingdom are to be punished with death; but such persons may practise as solicitors in all such suits and prosecutions as were allowed by law so to do before the making of this act. Crimes punishable with death.

XXXVII. *Stat.* 7 *Geo.* 2. *cap.* 14. *sect.* 9. No attorney or solicitor of the four-courts shall commence or maintain any action for the recovery of any fees, charges, or disbursements at law or in equity, until the expiration of one month after such attorney or solicitor shall have delivered unto the parties to be charged therewith, or left for them at their dwelling-house, or last place of abode, a bill of such fees, charges and disbursements, written in a common legible hand, and in the *English* tongue, except law terms and names of writs, and in words at length, except times and sums, which bill shall be subscribed with the proper hand of such attorney or solicitor. Bills of fees to be delivered.

(2) And upon application of the parties chargeable by such bill, or of any other person in that behalf authorized, unto the lord chancellor, lord keeper, or commissioners of the seal for the time being, or unto any of the courts, or unto a judge or baron of any of the courts respectively, in which the business contained in such bill, or the greatest part thereof in amount or value shall have been transacted, and upon the submission of the parties, or such other person authorised as aforesaid, to pay the whole sum that upon the taxation of the said bill shall appear to be due to the said attorney or solicitor, the said lord chancellor, lord keeper, or commissioners of the seal, or any of the courts aforesaid, or any judge or baron of any of the said courts respectively, are hereby required to refer the said bill, and the said attorney's or solicitor's demands thereupon, although no action or suit shall be then depending in such court touching the same, to be taxed and settled by the proper officer of such courts, without any money being brought into court for that purpose. Taxation by the officer.

(3) And if the said attorney or solicitor, or the parties chargeable by such bill respectively, having due notice, shall refuse or neglect to attend such taxation, the officer may proceed to tax the bill *ex parte*, pending which reference and taxations no action shall be commenced or prosecuted touching the said demand. Nor attending on notice.

(4) And upon the taxation and settlement of such bill and demand, the parties shall forthwith pay to the said attorney or solicitor, or any person by him authorized to receive the same, that shall be present at the taxation, or otherwise unto such other persons, or in such manner as the respective court shall direct, the whole sum that shall be found to be due thereon, which payment shall be a full discharge of the said bill and demand. Discharge on payment.

(5) And in default thereof, the parties shall be liable to an attachment or process of contempt, or to such other proceedings, at the election of the said attorney or solicitor, as such parties should have been liable to for breach of any order of the court. Attachment on default.

Refunding overpayment.

(6) And if upon the ſaid taxation and ſettlement it ſhall be found that ſuch attorney or ſolicitor ſhall happen to have been over paid, then the ſaid attorney or ſolicitor ſhall forthwith refund and pay unto the parties intitled thereunto, or to any perſon by them authorized to receive the ſame if preſent at the ſettling thereof, or otherwiſe unto ſuch other perſons, or in ſuch manner as the reſpective court aforeſaid ſhall direct, all ſuch money as the ſaid officer ſhall certify to have been ſo overpaid.

Remedy in caſe of default.

(7) And in default thereof the ſaid attorney or ſolicitor ſhall in like manner be liable to an attachment or proceſs of contempt, or to ſuch other proceedings at the election of the ſaid parties, as he would have been ſubject unto if this act had not been made.

Coſts according to the event.

(8) And the ſaid reſpective courts are hereby authorized to award the coſts of ſuch taxations, to be paid by the parties according to the event of the taxation of the bill, that is to ſay, if the bill taxed be leſs by a ſixth part than the bill delivered, then the attorney or ſolicitor is to pay the coſts of the taxation, but if it ſhall not be leſs, the court in their diſcretion ſhall charge the attorney or client with ſuch coſts according to the nature of the caſe. (*Brit. Stat.* 2 *Geo.* 2. *cap.* 23. *ſect.* 22.

Attornment.

Grants good without attornment.

I. *Stat.* 6 *Ann. cap.* 10. *ſect.* 9. All grants or conveyances to be made by fine or otherwiſe of any manors or rents, or of the reverſion or remainder of any meſſuages or lands, ſhall be good without any attornment of the tenants of any ſuch manors, or of the land out of which the rent ſhall be iſſuing, or of the tenants upon whoſe particular eſtates any ſuch reverſion or remainder ſhall be expectant.

Tenants not to be prejudiced.

II. *ſect.* 10. Provided that no ſuch tenant ſhall be prejudiced by payment of any rent to any ſuch grantor or conuſor, or by breach of any condition for non-payment of rent before notice ſhall be given to him of ſuch grant by the conuſee or grantee. (*Eng. Stat.* 4 *Ann. cap.* 16. *ſect.* 9.

Void as to leſſors.

III. *Stat.* 15 *Geo.* 2. *cap.* 8. *ſect.* 7. All attornments of tenants of any lands, tenements or hereditaments ſhall be void, and the poſſeſſion of their reſpective leſſors ſhall not be any ways altered or affected by any ſuch attornments.

Exceptions.

(2) Provided that nothing herein contained ſhall vacate or affect any attornment made purſuant to any judgment at law, or decree or order of a court of equity, or made with the privity and conſent of the leſſors, or to any mortgagee after the mortgage is become forfeited. (*Brit. Stat.* 11 *Geo.* 2. *cap.* 19. *ſect.* 11.)

This ſtatute having expired, is revived and made perpetual by Stat. 1 Geo. 1. cap. 17. ſect. 15.

Augmentation of Benefices, &c.

Vicarages to be erected.

I. *Stat.* 33 *Hen.* 8. *Seſſ.* 1. *cap.* 14. *ſect.* 1. Whereas *divers* parith churches appropriated to monaſteries, religious houſes and hoſpitals now diſſolved, having no vicar endowed, within which divine ſervice was maintained, and

and the cure ſerved by the late religious perſons of the monaſteries, &c. *the commiſſioners appointed by this act*, or ſix of them, whereof the lord deputy, lord chancellor, vice-treaſurer, and chief juſtice to be four, may erect one vicarage of one vicar in every of the pariſh churches, which ſhall have ſucceſſion as vicar in him and his ſucceſſors for ever.

Preſentation of vicars.

(2) And the lord deputy to preſent in the King's name to the ordinary within whoſe dioceſe the church doth ſtand, one ſufficient perſon to be vicar of every of the ſaid churches, which perſon after his admiſſion, inſtitution and induction, to be impleaded, and to implead as vicar of the ſaid church.

Endowments to be aſſigned.

II. *ſect.* 2. The ſaid commiſſioners, or ſix of them, may limit and aſſign unto every ſuch vicar, ſuch manſes, portions of tithes, alterages, and oblations of the poſſeſſions coming to the King by the diſſolution of the monaſteries, &c. for the maintenance of divine ſervice, keeping of good hoſpitality within their ſaid pariſh, and purpoſes aforeſaid, as ſhall be neceſſary and convenient.

Patents to be granted.

III. *ſect.* 3. The lord chancellor, after the certificate had under their ſeals of the ſaid limitation and appointment into the court of chancery, ſhall by letters patent under the great ſeal, and in the King's name, grant and endow the ſame vicars with the manſions, tithes, portions, alterages and oblations ſo certified into the court of chancery, unto ſuch vicars and their ſucceſſors in pure alms for ever; reſerving unto the King yearly the twentieth part of ſuch vicarages, and the firſt fruits upon every preſentation or collation of every ſuch vicar, in ſuch manner as other vicars be bound.

Value of endowments.

IV. *ſect.* 4. Provided that the yearly value of every ſuch manſe, portion of tithes, alterages and oblations ſo to be granted and aſſigned to any ſuch vicar at the time of ſuch endowment, do not exceed the yearly value of thirteen pounds ſix ſhillings and eight pence.

Genera ſaving.

V. *ſect.* 5. Saving to all perſons, bodies politic and corporate, and their heirs and ſucceſſors, other than the King, all ſuch right, &c. which they have or might have had to any of the ſaid manſions, parcels of tithes, alterages and oblations, ſo to be endowed and aſſigned to any ſuch vicars.

Advowſon to the King, &c.

VI. *ſect.* 6. After the firſt eſtabliſhment of every ſuch vicarage, and after the admiſſion and inſtitution of ſuch vicars in the ſame, the King ſhall enjoy the advowſon of every ſuch vicarage, as united to the crown.

No licence neceſſary to alien.

VII. *Stat.* 10 & 11 *Car.* 1. *cap.* 2. *ſect.* 1. It ſhall be lawful for all perſons of full age, *ſane* memory, and not *covert baron*, and for all bodies politic and corporate which are ſeized of any appropriations of parſonages, rectories, vicarages, or other benefices eccleſiaſtical, or of any glebe lands, tithes, portions of tithes, penſions, oblations, or rights heretofore eccleſiaſtical, of any eſtate of inheritance, in poſſeſſion, reverſion, or remainder, or in uſe without any licence of alienation, or licence to alien in mortmain, to reſtore, deviſe, or convey the ſame or any part thereof, for the better maintenance of the miniſters of God's Holy Word and Sacraments, either by their deed or charter under their ſeals, made and delivered in the preſence of three ſufficient witneſſes, or by their laſt will in writing, made and publiſhed in the preſence of like number of ſufficient witneſſes, unto the parſon or vicar of the pariſh, and to his ſucceſſors, if any ſuch be endowed within the pariſh where the ſaid appropriation, glebe lands, tithes, or other premiſſes do lie.

Grants in truſt.

(2) Or if there be no ſuch parſon or vicar endowed within ſuch pariſh, then to the archbiſhop of that province or biſhop of that dioceſe, and to their

or

or any of their ſucceſſors, in truſt for the uſe of ſuch miniſter as ſhall ſerve the cure in the ſaid pariſh, until there ſhall be a rector, parſon, or vicar of the ſaid pariſh there eſtabliſhed, and then to the ſole uſe of the rector, parſon or vicar of the ſaid pariſh, and of his ſucceſſors for ever; ſuch uſe and truſt to be expreſſed and contained in ſuch deed, charter or laſt will, or otherwiſe in ſome writing, under the ſeals of ſuch perſons who ſhall give or deviſe the ſame.

Grantees to take as limited.

(3) And immediately after ſuch deed made, and after the death of ſuch teſtators or deviſors who ſhall make ſuch will, the parſon and vicar and his ſucceſſors to whom ſuch grant, limitation, or deviſe ſhall be immediately made, and the metropolitan or biſhops and their ſucceſſors, unto whom ſuch parſonage impropriate, glebe lands, tithes or other the premiſſes, ſhall be granted, bequeathed, or limited by ſuch deed, will or writing, upon ſuch truſt, or to ſuch uſe as aforeſaid, ſhall ſtand ſeized thereof to them and their ſucceſſors for ever reſpectively, of an abſolute and indefeaſible eſtate in fee ſimple.

Miniſters to be ordained.

VIII. *ſect.* 2. If within the pariſh wherein the ſaid appropriations, glebe lands, tithes, or other the premiſſes, are limited by the ſaid donors or diviſors to be employed for the maintenance of any miniſter as aforeſaid, there be no parſon or vicar endowed, it ſhall be lawful for the ordinary and metropolitan of that dioceſe, after that there ſhall be glebe lands, tithes, or other the premiſſes amounting to the third part of the profits of the intire impropriation limited as aforeſaid, by their writings under their archiepiſcopal and epiſcopal ſeals, to ordain one ſufficient miniſter to be parſon or vicar of the ſaid pariſh, in a perpetual ſucceſſion to him and his ſucceſſors for ever, and ſhall cauſe him to be admitted, inſtituted, and inducted as parſon or vicar thereunto.

Inrolment of the titles.

(4) Which ordination, inſtitution, and induction, ſhall within convenient time after be enrolled in his Majeſty's court of exchequer, at the coſts of the ſaid new ordained parſon or vicar, immediately after the inrolment whereof the ſaid parſon or vicar ſo ordained, inſtituted, and inducted, ſhall be parſon or vicar of the ſaid rectory, church and pariſh, to him and his ſucceſſors for ever; and from thenceforth ſhall become ſeized to him and his ſucceſſors of all the ſaid parſonage or other benefice, appropriation, glebe lands, tithes and premiſſes, before conveyed or limited as aforeſaid, in truſt unto the ſaid archbiſhops or biſhops, for the maintenance of a miniſter of an indefeaſible eſtate in fee ſimple, as parſon and rector or vicar of that church and pariſh.

Preſenting to appropriations.

IX. *ſect.* 3. It ſhall be lawful for all perſons being of full age, *ſane* memory, and not *covert baron*, and for all bodies politic and corporate, who ſhall be ſeized of any eſtate of inheritance in poſſeſſion, in any parſonages, vicarages, and other benefices appropriate, by their writings under their reſpective ſeals, to preſent a clerk for ſuch parſonage, vicarage, or other ſuch benefices appropriate, unto the ordinary or metropolitan of the dioceſe where ſuch parſonage, vicarage, or benefice appropriate doth lie.

Admiſſion of clerks.

(2) And upon ſuch preſentation, ſuch ordinary or metropolitan ſhall admit ſuch clerk ſo preſented, and him inſtitute and cauſe to be inducted into the ſaid church and benefice, which preſentation, admiſſion, inſtitution and induction, ſhall be enrolled in the exchequer at the charge of the parſon preſented, or of the party who ſo preſented him, if he ſo pleaſe.

(3) And

(3) And after ſuch preſentation and inſtitution ſo made and inrolled, the ſaid appropriation ſhall be for ever diſſolved, and the ſaid rectory, vicarage, or other benefice diſappropriate, and thenceforth ſhall be preſentative by the donors thereof, their heirs, ſucceſſors and aſſigns, in ſuch manner as other churches preſentative are by other patrons, ſo often as the ſame ſhall become void. Appropriation diſſolved.

X. *ſect.* 4. Saving to the king and to all other perſons, bodies politic and corporate, other than the ſaid donors and deviſors of any ſuch appropriation, or other hereditaments formerly eccleſiaſtical, and other than ſuch perſons, bodies politic and corporate, who ſhall make ſuch preſentation to the ſaid benefices appropriate, and other than all perſons, bodies politic and corporate, claiming any eſtate or intereſt in the remainder or reverſion, after the eſtates of ſuch donors, deviſors, or preſentors determined, and other than perſons ſeiſed or claiming to any of their uſes, all ſuch eſtate, right and demands, as they had at the time of ſuch reſtitution, grant, deviſe, conveyance or preſentation made as aforeſaid. General ſaving.

XI. *ſect.* 5. Provided that when any ſuch donation or conveyance ſhall be made of any rectory, vicarage, or benefice appropriate, or of any glebe lands, tithes or other hereditaments, formerly eccleſiaſtical, for the maintenance of any ſuch miniſter as aforeſaid, if the parſonage appropriate, or other thing ſo given, reſtored or conveyed, be the only endowment of ſuch miniſter in right of the ſame church, or if it ſhall be four times in yearly value ſo much as ſuch miniſter, parſon, vicar or beneficer, formerly was endowed of in right of the ſaid church, the ſole parſonage of ſuch benefice ſhall appertain to ſuch donor or deviſor, his and their heirs and ſucceſſors only. Patronage to donors.

(4) But if the ſame be only three times ſo much, then ſuch donor or deviſor, and their heirs and ſucceſſors, ſhall have upon the ſucceſſive avoidance thereof three preſentations only, and the former patrons the fourth preſentation. If three times the value.

(5) And if but twice as much in yearly value, then the ſaid donors or deviſors, their heirs and ſucceſſors, to have only two preſentations, and the former patrons one. If twice the value.

(6) And if it be but of equal yearly value, or near thereabouts under or over, then the ſaid donors or deviſors, their heirs and ſucceſſors, and the ſaid former patrons, to preſent by turns, whereof the ſaid donors to have the firſt. If of equal value.

(7) And the like proportion and courſe to be holden where the former endowments of ſuch benefices ſhall exceed the yearly value of the rectories appropriate, tithes, glebe lands, or other hereditaments ſo reſtored or conveyed; the ſaid proportions and rates of the ſaid endowments to be made by commiſſion to be granted out of the exchequer, at the proportionable charge of the ſaid donors or deviſors, and of the former patrons, which being executed and returned into the exchequer, ſhall be final to all parties. Valuations to be made.

XII. *ſect.* 6. Where there are within one pariſh both a parſon and a vicar endowed, and in ſome pariſhes more, in every ſuch caſe it ſhall be lawful for the biſhop of that dioceſe and metropolitan of that province within which the ſaid pariſhes are ſituate, by their writing under their archiepiſcopal and epiſcopal ſeals, to unite and conſolidate the ſaid parſonages and vicarages ſo being within one pariſh, other than ſuch parſonages or vicarages are annexed to any canonery, prebend, or dignity in any Cathedral church, into one entire parſonage or benefice. Conſolidations.

(2) Yet

Present incumbents.

(2) Yet ſo, that if ſuch parſonages and vicarages be at that time full of incumbents, that every of the ſaid incumbents ſhall hold and retain their reſpective parſonages and vicarages, and all the profits thereof, for ſo long time as they ſhall continue lawful incumbents thereof.

Survivors to enjoy.

(3) And if one or more of ſuch incumbents do die, or otherwiſe ceaſe, reſign or be deprived from their ſaid benefices the ſaid parſonage, vicarage, or benefice by any means growing void, with the lands, emoluments, and profits thereof, ſhall ſurvive and accrue to the ſurvivors of ſuch incumbents, and after coming into one hand, ſhall thenceforth for ever continue one entire parſonage or benefice, according to the union and conſolidation aforeſaid, to ſuch ſurviving parſon and his ſucceſſors for ever.

Alternate preſentation.

(4) And from thenceforth, if there be ſeveral patrons of the ſaid benefices, then by like commiſſion as aforeſaid, to be ſued out of the exchequer at the equal charge of the ſaid patrons, and directed unto two or more ſufficient perſons, a true valuation ſhall be made of each of the ſaid benefices, and if the ſame appear to be of equal value, or near the ſame, and no one of them to be double in value to any one of the reſt of them, then the ſaid patrons whoſe clerk did firſt die, ſhall preſent to the firſt avoidance of the ſaid benefice, and the other patron to the ſecond, and ſo afterwards the ſaid patrons, their heirs, ſucceſſors, and aſſigns, ſhall thenceforth for ever preſent by turns.

If leſs than a fourth part.

(5) And if any one or more of the ſaid united benefices prove to be leſs in yearly value than the fourth part of any other of the ſaid benefices, the patronage of ſuch ſmaller benefices to be extinct, and the ſole advowſon of the united and newly conſolidated rectory or benefice to remain unto the other patrons ſolely.

If under a moiety.

(6) And if any one or more of the ſaid benefices ſo conſolidated in one be in yearly value a full fourth part or more of the greateſt of them, but under the yearly value of the moiety thereof, then the patron of the ſaid greateſt benefices to have the preſentations unto the entire united and conſolidate benefice, and the patrons of the leſſer benefices to have one preſentation only in their ſeveral turns, in manner as is above expreſſed; and ſuch commiſſions executed and returned as aforeſaid, ſhall be final to all the patrons.

Repair of chancels.

XIII. *ſect.* 9. All parſons, vicars, and other beneficers, whoſe livelyhoods ſhall be made, raiſed, enlarged, or increaſed by the ways and means aforeſaid, or by any other good means, ſhall be ſubject unto and be charged for the repair of the chancels of ſuch churches after that the ſame ſhall be erected.

Forfeited appropriations.

XIV. *Stat.* 14 & 15 *Car.* 2. *cap.* 2. *ſect.* 25. All impropriations or appropriate tithes forfeited or eſcheated to his Majeſty in right of his crown, if there be no leaſes thereof in being unforfeited or otherwiſe, as ſoon as the unforfeited leaſes ſhall be expired or determined, are hereby given to the church for ever, and ſhall be ſettled upon the preſent and future incumbents which ſhall have actual cure of ſouls in thoſe reſpective pariſhes wherein ſuch impropriate tythes do ariſe.

Choir-men of cathedrals.

(2) Reſerving ſuch a proportion of them to be ſettled upon the vicars and choir-men of each cathedral church, as an additional proviſion for their maintenance, as the lord lieutenant or chief governors and council before the firſt of *January* one thouſand ſix hundred ſixty four, ſhall think fit.

Rents payable.

(3) The ſaid incumbents and their ſucceſſors, paying to his Majeſty for the ſame ſuch rents as formerly were paid for the ſame, with ſuch increaſe

creaſe of rents as by the lord lieutenant or chief governors with ſix or more of the council ſhall be adjudged reaſonable, within the ſpace of two years from the paſſing of this act, or from the ſaid expiration of the ſaid unforfeited leaſes reſpectively.

Saving to the Lord Lieutenant, &c.

XV. *ſect.* 26. Provided that this act ſhall not extend to the diſpoſing or altering of any impropriate rectories or tithes, or rents enjoyed, by or ſettled on the lord lieutenant or chief governors, or which at any time hath been enjoyed by the lords preſidents of *Munſter* and *Connaught* in the right of their reſpective places.

(2) And the lord chief juſtice of his Majeſty's court of King's-bench, the lord chief baron of the exchequer, and the maſter of the rolls, or any of his majeſty's officers, ſhall have ſuch port-corn of the ſeveral rectories which formerly have been paid and reſerved.

Impropriations veſted in Incumbents.

XVI. *Stat.* 17 & 18 *Car.* 2. *cap.* 2. *ſect.* 10. All the impropriations or appropriate tithes veſted in or eſcheated to his Majeſty in right of his crown, ſhall be veſted in the preſent and future incumbents and their ſucceſſors, ſubject to ſuch reſervations and limitations as by the former act 14 & 15 *Car.* 2. *cap.* 2. the ſame were made ſubject unto.

Nominees of the biſhops.

XVII. *Eng. Stat.* 10 & 11 *Will.* 3. *cap.* 2. *ſect.* 49. The truſtees, or any ſeven of them, *&c.* ſhall convey by bargain and ſale to be inrolled, all the rectories impropriate, tithes, oblations, obventions, glebes, advowſons of vicarages and the appurtenances, forfeited by reaſon of the rebellion, and veſted in them, to ſuch perſons and their heirs, as the biſhop of the dioceſe ſhall nominate.

Repairs of churches.

(2) To the intent the profits thereof ſhall be employed from 2d of *November* 1699, for twenty years next enſuing, in rebuilding or repairing ſuch pariſh churches in *Ireland*, as the lords juſtices or chief governor, with the conſent of the biſhop ſhall appoint.

Appointments to be made.

(3) And afterwards for the perpetual augmentation of ſuch ſmall rectories or vicarages as the ſaid lords juſtices, *&c.* under their hands and ſeals, with the conſent of the biſhop, where ſuch augmentation ſhall be made, ſhall direct and appoint, ſuch appointments before the 25th of *March* 1703, to be inrolled in the chancery of *Ireland*.

New truſtees named.

XVIII. *Eng. Stat.* 5 *Ann. cap.* 25. Rectories impropriate with the tithes, oblations, obventions, glebes, and advowſon of vicarages, veſted in the truſtees by *Stat.* 11 *Will.* 3. *cap.* 2. and ſince granted or reſtored contrary to the intent of that act to any perſons by any ſubſequent acts, in which are any uſes in favour of the church of *Ireland*, are hereby diveſted out of them, and are veſted in *William Neeve*, *Marmaduke Coghil*, *Morley Saunders*, *Samuel Dopping*, *John Uſher*, and *Stephen Ludlow*, their heirs, executors, adminiſtrators and aſſigns, according to the ſeveral eſtates and intereſts veſted in the ſaid truſtees, in the ſaid firſt act to the uſes therein.

Bonds in the name of obligees.

XIX. Bonds concerning the ſaid rectories, *&c.* to be recoverable in the name of the obligees, and to be by them, their heirs, *&c.* paid to the ſaid *William Neeve*, &c.

Tenth of rents of tithes.

XX. The tenth of the rents of ſuch tithes, reſerved in groſs upon leaſes allowed by the truſtees in *Stat.* 11 *Will.* 3. ſhall during the ſaid leaſes, be paid to the ſaid *William Neeve*, &c. in lieu of the tithes, and afterwards the

Present incumbents.

(2) Yet ſo, that if ſuch parſonages and vicarages be at that time full of incumbents, that every of the ſaid incumbents ſhall hold and retain their reſpective parſonages and vicarages, and all the profits thereof, for ſo long time as they ſhall continue lawful incumbents thereof.

Survivors to enjoy.

(3) And if one or more of ſuch incumbents do die, or otherwiſe ceaſe, reſign or be deprived from their ſaid benefices the ſaid parſonage, vicarage, or benefice by any means growing void, with the lands, emoluments, and profits thereof, ſhall ſurvive and accrue to the ſurvivors of ſuch incumbents, and after coming into one hand, ſhall thenceforth for ever continue one entire parſonage or benefice, according to the union and conſolidation aforeſaid, to ſuch ſurviving parſon and his ſucceſſors for ever.

Alternate preſentation.

(4) And from thenceforth, if there be ſeveral patrons of the ſaid benefices, then by like commiſſion as aforeſaid, to be ſued out of the exchequer at the equal charge of the ſaid patrons, and directed unto two or more ſufficient perſons, a true valuation ſhall be made of each of the ſaid benefices, and if the ſame appear to be of equal value, or near the ſame, and no one of them to be double in value to any one of the reſt of them, then the ſaid patrons whoſe clerk did firſt die, ſhall preſent to the firſt avoidance of the ſaid benefice, and the other patron to the ſecond, and ſo afterwards the ſaid patrons, their heirs, ſucceſſors, and aſſigns, ſhall thenceforth for ever preſent by turns.

If leſs than a fourth part.

(5) And if any one or more of the ſaid united benefices prove to be leſs in yearly value than the fourth part of any other of the ſaid benefices, the patronage of ſuch ſmaller benefices to be extinct, and the ſole advowſon of the united and newly conſolidated rectory or benefice to remain unto the other patrons ſolely.

If under a moiety.

(6) And if any one or more of the ſaid benefices ſo conſolidated in one be in yearly value a full fourth part or more of the greateſt of them, but under the yearly value of the moiety thereof, then the patron of the ſaid greateſt benefices to have the preſentations unto the entire united and conſolidate benefice, and the patrons of the leſſer benefices to have one preſentation only in their ſeveral turns, in manner as is above expreſſed; and ſuch commiſſions executed and returned as aforeſaid, ſhall be final to all the patrons.

Repair of chancels.

XIII. *ſect.* 9. All parſons, vicars, and other beneficers, whoſe livelyhoods ſhall be made, raiſed, enlarged, or increaſed by the ways and means aforeſaid, or by any other good means, ſhall be ſubject unto and be charged for the repair of the chancels of ſuch churches after that the ſame ſhall be erected.

Forfeited appropriations.

XIV. *Stat.* 14 & 15 *Car.* 2. *cap.* 2. *ſect.* 25. All impropriations or appropriate tithes forfeited or eſcheated to his Majeſty in right of his crown, if there be no leaſes thereof in being unforfeited or otherwiſe, as ſoon as the unforfeited leaſes ſhall be expired or determined, are hereby given to the church for ever, and ſhall be ſettled upon the preſent and future incumbents which ſhall have actual cure of ſouls in thoſe reſpective pariſhes wherein ſuch impropriate tythes do ariſe.

Choir-men of cathedrals.

(2) Reſerving ſuch a proportion of them to be ſettled upon the vicars and choirmen of each cathedral church, as an additional proviſion for their maintenance, as the lord lieutenant or chief governors and council before the firſt of *January* one thouſand ſix hundred ſixty four, ſhall think fit.

Rents payable.

(3) The ſaid incumbents and their ſucceſſors, paying to his Majeſty for the ſame ſuch rents as formerly were paid for the ſame, with ſuch increaſe

creaſe of rents as by the lord lieutenant or chief governors with ſix or more of the council ſhall be adjudged reaſonable, within the ſpace of two years from the paſſing of this act, or from the ſaid expiration of the ſaid unforfeited leaſes reſpectively.

Saving to the Lord Lieutenant, &c.

XV. *ſect.* 26. Provided that this act ſhall not extend to the diſpoſing or altering of any impropriate rectories or tithes, or rents enjoyed, by or ſettled on the lord lieutenant or chief governors, or which at any time hath been enjoyed by the lords preſidents of *Munſter* and *Connaught* in the right of their reſpective places.

(2) And the lord chief juſtice of his Majeſty's court of King's-bench, the lord chief baron of the exchequer, and the maſter of the rolls, or any of his majeſty's officers, ſhall have ſuch port-corn of the ſeveral rectories which formerly have been paid and reſerved.

Impropriations veſted in Incumbents.

XVI. *Stat.* 17 & 18 *Car.* 2. *cap.* 2. *ſect.* 10. All the impropriations or appropriate tithes veſted in or eſcheated to his Majeſty in right of his crown, ſhall be veſted in the preſent and future incumbents and their ſucceſſors, ſubject to ſuch reſervations and limitations as by the former act 14 & 15 *Car.* 2. *cap.* 2. the ſame were made ſubject unto.

Nominees of the biſhops.

XVII. *Eng. Stat.* 10 & 11 *Will.* 3. *cap.* 2. *ſect.* 49. The truſtees, or any ſeven of them, *&c.* ſhall convey by bargain and ſale to be inrolled, all the rectories impropriate, tithes, oblations, obventions, glebes, advowſons of vicarages and the appurtenances, forfeited by reaſon of the rebellion, and veſted in them, to ſuch perſons and their heirs, as the biſhop of the dioceſe ſhall nominate.

Repairs of churches.

(2) To the intent the profits thereof ſhall be employed from 2d of *November* 1699, for twenty years next enſuing, in rebuilding or repairing ſuch pariſh churches in *Ireland*, as the lords juſtices or chief governor, with the conſent of the biſhop ſhall appoint.

Appointments to be made.

(3) And afterwards for the perpetual augmentation of ſuch ſmall rectories or vicarages as the ſaid lords juſtices, *&c.* under their hands and ſeals, with the conſent of the biſhop, where ſuch augmentation ſhall be made, ſhall direct and appoint, ſuch appointments before the 25th of *March* 1703, to be inrolled in the chancery of *Ireland*.

New truſtees named.

XVIII. *Eng. Stat.* 5 *Ann. cap.* 25. Rectories impropriate with the tithes, oblations, obventions, glebes, and advowſon of vicarages, veſted in the truſtees by *Stat.* 11 *Will.* 3. *cap.* 2. and ſince granted or reſtored contrary to the intent of that act to any perſons by any ſubſequent acts, in which are any uſes in favour of the church of *Ireland*, are hereby diveſted out of them, and are veſted in *William Neeve*, *Marmaduke Coghil*, *Morley Saunders*, *Samuel Dopping*, *John Uſher*, and *Stephen Ludlow*, their heirs, executors, adminiſtrators and aſſigns, according to the ſeveral eſtates and intereſts veſted in the ſaid truſtees, in the ſaid firſt act to the uſes therein.

Bonds in the name of obligees.

XIX. Bonds concerning the ſaid rectories, *&c.* to be recoverable in the name of the obligees, and to be by them, their heirs, *&c.* paid to the ſaid *William Neeve*, &c.

Tenth of rents of tithes.

XX. The tenth of the rents of ſuch tithes, reſerved in groſs upon leaſes allowed by the truſtees in *Stat.* 11 *Will.* 3. ſhall during the ſaid leaſes, be paid to the ſaid *William Neeve*, &c. in lieu of the tithes, and afterwards the

full tithes in kind, or the *modus* which hath been legally ſettled, in truſt nevertheleſs for the uſes in the ſaid firſt act.

Augmenting endowments.

XXI. *Stat.* 2 *Geo.* 1. *cap.* 14. *ſect.* 9. Whereas biſhops, deans, dignitaries, and prebendaries, are intitled to ſeveral impropriate pariſhes, tithes, and glebes or menſals belonging to their reſpective biſhopricks, deaneries, dignities and prebends, in which pariſhes the ſaid biſhops, deans, dignitaries or prebendaries, are obliged to find curates; it ſhall be lawful for the reſpective biſhops, deans, dignitaries, and prebendaries, with the conſent and approbation *of the chief governor and major part of the privy council, fix at leaſt conſenting*, and alſo with the conſent of the reſpective deans and chapters, in ſuch dioceſe where there are deans and chapters, and where there are no deans and chapters, with the conſent of the archdeacon and major part of the reſt of the clergy at their reſpective viſitations, to endow any ſuch vicarage or curacy with a convenient portion of glebe or tithes, or both, belonging to ſuch biſhoprick, deanery, dignity or prebend, in the ſaid reſpective pariſhes.

Endowment of vicarages.

(2) And alſo with the conſents aforeſaid to augment ſuch endowments as have been already made for the ſupport of a proper vicar or curate for performance of divine ſervice and cure of ſouls within the ſame, ſaving to the then tenants of ſuch glebes and tithes their right during their reſpective leaſes.

Exchanges of tithes, &c.

XXII. *ſect.* 10. It ſhall be lawful for every biſhop, dean, dignitary or prebendary, with the approbation and conſent aforeſaid, to exchange any rectory, vicarage, pariſh, or portion of tithes to their biſhoprick, deanry, dignitary or prebend belonging, for any other rectory, vicarage, pariſh, or portion of tithes within the ſame dioceſe, of equal or near the ſame value.

The ſame duties to be performed.

XXIII. *ſect.* 11. Provided that every perſon who ſhall enjoy the benefit of any ſuch exchange, and his ſucceſſors, ſhall be under the ſame obligation to perform all manner of duties, and ſubject to the ſame juriſdiction and burthens as the former incumbents were, and ſhall be obliged to ſerve the cure of ſuch pariſhes as by virtue of ſuch exchange they ſhall enjoy in caſe the ſaid cure is not otherwiſe provided for. *This act is made perpetual by* Stat. 13 Geo. 2. cap. 4.

Valuation of benefices.

XXIV. *Stat.* 1 *Geo.* 2. *cap.* 18. *ſect.* 1. The reſpective archbiſhops and biſhops of every dioceſe are required, as they ſhall ſee occaſion, as well by the oath of credible witneſſes, which they or others commiſſioned by them, under their hands and ſeals, are impowered to adminiſter, as by all other lawful means, to inform themſelves of the clear improved yearly value of every benefice, with cure of ſouls and curacies, which are commonly reputed not to exceed thirty pounds *per ann.* and of the true improved clear yearly value of the profits accruing to the parſon, vicar, curate, or miniſter officiating therein within their ſeveral dioceſes, and how ſuch yearly values ariſe with the other circumſtances thereof.

Return of the values.

(2) And ſuch of them whereof they have lawfully informed themſelves from time to time, to certify under their reſpective hands and epiſcopal ſeals to the commiſſioners of the firſt fruits payable out of eccleſiaſtical benefices, incorporated by an act made in the tenth year of King *George* the firſt, *for amending an act for confirming the ſeveral grants, made by her late Majeſty of the firſt fruits and twentieth parts*, &c.

(3) Which

(3) Which ſaid commiſſioners of the firſt fruits are required with all convenient ſpeed to enter the ſaid certificates in a book, and the ſaid entries being ſo made, atteſted, and ſubſcribed by the *quorum* of the ſaid commiſſioners, ſhall be deemed as records and evidence of the true improved yearly value of ſuch benefice, living, or curacy, and no different value ſhall be admitted to be proved in any ſuit, at law or in equity touching any grant or augmentation which ſhall be after made thereof in purſuance of this act. Entries of returns.

XXV. *ſect.* 2. After ſuch certificate ſhall be returned ſo approved of, and entered and ſubſcribed by the *quorum* of the ſaid commiſſioners, it ſhall be lawful for any perſons, bodies politic or corporate, to endow or augment any living, benefice, or curacy, whereof the advowſons ſhall belong to any archbiſhop, biſhop, dean, or dean and chapter, which ſhall in manner aforeſaid appear to be under, or of the yearly value of thirty pounds and not more, with any lands, tithes, tenements or hereditaments, of the clear yearly value of thirty pounds or more. Livings of thirty pounds a year.

XXVI. *ſect.* 3. Provided ſuch augmentation ſhall not exceed ſeventy pounds *per annum*, and after ſuch endowment and augmentation, the perſons who ſhall ſo endow and augment the ſame, in caſe the ſame be made with the conſent and approbation of the archbiſhop, biſhop, dean, or dean and chapter reſpectively, who ſhall be at the time of ſuch endowment or augmentation intitled to the advowſon of ſuch endowed or augmented benefice or curacy, and not otherwiſe, by ſettling and conveying lands, tithes, tenements or hereditaments, upon the rector, vicar, or curate of ſuch benefice, living, or curacy, for the uſe of him and his ſucceſſors in the ſaid augmented benefice or curacy, ſhall for ever after be deemed to be true and only patrons of ſuch augmented benefice or curacy. Not to exceed ſeventy pounds a year.

(2) And after ſuch augmentation ſhall be made as aforeſaid, it ſhall be lawful for all the archbiſhops, biſhops, deans, and deans and chapters, who ſhall be, before ſuch endowment or augmentation, intitled unto the advowſon of ſuch augmented benefice or curacy, and they are required to convey the advowſon of ſuch augmented benefice or curacy, to the perſons endowing or augmenting the ſame in manner aforeſaid, and their heirs and aſſigns for ever. Conveyance of the advowſon.

XXVII. *ſect.* 4. Where two or more perſons ſhall contribute to the augmentation of any ſuch benefice in manner aforeſaid, ſuch perſons, their heirs and aſſigns reſpectively, ſhall preſent to ſuch benefice by them augmented as aforeſaid, by turns in ſuch manner as in the deed of ſuch augmentation or endowment ſhall be mentioned. Alternate preſentation.

XXVIII. *ſect.* 5. It ſhall be lawful for any perſons to ſet apart land, not exceeding one plantation acre, and not leſs than two meaſured miles diſtant from the mother church of the pariſh, on which land it ſhall be lawful for any perſons, bodies politic and corporate, to erect a chapel in which the liturgy and rites of the church of *Ireland* as by law eſtabliſhed are to be uſed, who ſhall firſt ſettle lands, tithes, or hereditaments in fee ſimple, of the yearly value of thirty pounds *per annum*, or more, and not exceeding fifty pounds *per annum*, for a proviſion for a curate to officiate in ſuch chapel, and his ſucceſſors as a perpetual endowment of ſuch chapel. Land for chapels.

XXIX. *ſect.* 6. Where two or more perſons ſhall contribute to the erecting and endowment of any chapel in purſuance of this act, ſuch perſons, their heirs and aſſigns reſpectively, ſhall nominate to ſuch chapel by turns in ſuch order as in the deed of ſuch endowment ſhall be ſettled. Nomination in the endowers.

Founders to be patrons.

XXX. *sect.* 7. All persons, bodies politic and corporate, who shall so erect and endow a chapel, shall from the time of such endowment be patrons of such chapel, and the right of presentation thereto, shall be for ever after vested in such persons, bodies politic or corporate, their heirs and successors, who shall build and endow the same, and such endowed chapel shall be called by such name, as the founder of such chapel shall in his deed of endowment appoint.

Curates to have perpetual succession.

XXXI. *sect.* 8. All churches, curacies or chapels which shall be augmented, erected and endowed by virtue of this act, shall be from the time of such augmentation, or endowment, perpetual cures and benefices, and the ministers duly admitted and instituted, or nominated and licensed thereunto, and their successors shall be bodies politic and corporate, and have perpetual succession by such names as in the grant of such augmentation or endowment shall be mentioned and shall have a legal capacity to take in perpetuity to them and their successors, all such lands, tithes and hereditaments, as shall be granted unto them respectively by virtue of this act.

Grants of lands.

XXXII. *sect.* 9. It shall be lawful for all persons, bodies politic or corporate, having any estate of inheritance in fee-simple in their own right or in right of their corporations or churches in any lands, tithes and hereditaments, at their will and pleasure by deed indented under seal, to grant and convey the same to any parson, vicar or curate officiating in any such church or chapel, not exceeding the yearly value of seventy or fifty pounds *per annum* respectively as aforesaid, and his successors, as a perpetual augmentation or endowment of such church or chapel.

Conveyance of the patronage.

XXXIII. *sect.* 10. All grants and conveyances to be made by virtue of this act, of the patronage or right of presentation or nomination to any such church or chapel, or of any lands, tithes or hereditaments for the augmentation, erection or endowment of any such church or chapel, shall be good and effectual whether such church or chapel be vacant, or full of an incumbent or curate at the time of such grant.

Consent and inrollment.

XXXIV. *sect.* 11. Provided that no deeds of grant for any augmentation, erection or endowment to be made in pursuance of this act, shall be effectual without the consent of the said commissioners of the first fruits testified under their common seal, and unless such deeds be enrolled within six months from the date in the court of chancery.

Impropriators, patrons and rectors, &c.

XXXV. *sect.* 12. The impropriators or patrons of any augmented churches or curacies, and their heirs and successors respectively, and the rectors and vicars of the mother churches to which any such augmented or endowed curacy or chapel doth appertain, and their successors, shall be excluded from having directly or indirectly any benefit by such augmentation or endowment, and shall at all times after such augmentation, allow to the ministers officiating in any such augmented or endowed church or chapel, such pensions, salaries and allowances, which by antient custom or otherwise of right, and not of bounty ought to be paid and allowed, and which they might by due course of law before the making of this act, have been compelled to pay or allow to the respective ministers officiating therein.

Cure of souls to be continued.

XXXVI. *sect.* 13. Provided that no such rector or vicar of such mother church, or any ecclesiastical persons having cure of souls within the parish or place where such augmented or endowed church or chapel shall be situate, or their successors; shall hereby be discharged from the same; but the cure of souls with all other parochial rites and duties, such augmen-

tation or endowment to the augmented or endowed church or chapel as aforeſaid only excepted, ſhall remain in the ſame ſtate as before the making this act.

XXXVII. *ſect.* 14. All churches and chapels augmented and endowed by virtue of this act, and all miniſters and curates officiating therein, ſhall be ſubject to the viſitation and juriſdiction of the archbiſhop or biſhop of the dioceſe, wherein ſuch churches or chapels are. Viſitation of the ordinary.

XXXVIII. *ſect.* 15. In caſe ſuch augmented or endowed cures remain void by the ſpace of ſix months without any nomination within that time of a fit perſon to ſerve the ſame, by the perſons having a right of nomination to the ordinary, the ſame ſhall lapſe to the ordinary, and from him to the metropolitan, and from the metropolitan to the crown, according to the courſe uſed in caſe of preſentative benefices, and the right of nomination to ſuch augmented or endowed cure may be granted or recovered, and the incumbency thereof ſhall ceaſe and be determined in like manner as the preſentation to, or incumbency in any vicarage preſentative. Lapſe to accrue as formerly.

(2) And in caſe the incumbent of any ſuch augmented or endowed church or chapel, ſhall be abſent from his cure for above the ſpace of ſixty one days in any one year, without licence of the ordinary firſt obtained for that purpoſe, ſuch church or chapel ſhall from thenceforth be actually void, and ſuch incumbent or miniſter be for ever after diſabled to hold the ſame. Abſence of incumbent.

XXXIX. *ſect.* 16. Provided that no lapſe ſhall incur in caſe of ſuch church or chapel becoming void by want of ſuch reſidence of the incumbent, till ſix months after notice thereof in writing, given by the ordinary to the perſons having right of nomination to the ſame. No lapſe 'till after notice.

XL. *ſect.* 17. Provided alſo that in caſe perſons intitled to nominate to ſuch augmented or endowed cures, ſhall ſuffer a lapſe to incur, but ſhall after preſent or nominate to the ſame before any advantage taken thereof by the ordinary, metropolitan or crown reſpectively, ſuch preſentation or nomination ſhall be as effectual as if made within ſix months, though ſo much time be before elapſed as that the title by lapſe be veſted in the crown. Preſentment before advantage taken.

XLI. *ſect.* 20. Saving to the King, and all perſons, bodies politic and corporate, their heirs and ſucceſſors reſpectively, other than the archbiſhops, biſhops, deans, and deans and chapters, who ſhall in purſuance of this act convey the advowſons of ſuch endowed or augmented benefices, and their ſucceſſors, or the grantors of any lands, tithes or hereditaments for ſuch augmentation or endowment, their heirs, executors, adminiſtrators or aſſigns, all right which they might have or demand to the advowſon or patronage of ſuch endowed or augmented benefice, if this act had not been made. General ſaving.

XLII. *Stat.* 29 *Geo.* 2. *cap.* 18. *ſect.* 4. All ſums of money which have been paid by the truſtees in the will of Dr. *Hugh Boulter* (*formerly lord archbiſhop of Armagh*) named out of the intereſt of the money raiſed by the diſpoſal of the ſaid teſtators effects in this kingdom, or the ſurplus thereof, after making the payments (*directed by the ſaid Will*) to *George now lord archbiſhop of Armagh*, or his predeceſſors, and which now remain undiſpoſed of in the hands of the ſaid now lord archbiſhop of *Armagh*; and alſo, all the reſidue of the perſonal eſtate and effects of the ſaid teſtator, Primate Boulter's bequeſt.

tor, which has been, or ſhall be paid to the ſaid lord archbiſhop of *Armagh*, or his ſucceſſors, by the executors or truſtees in the ſaid will named, or by any other perſons who may hereafter obtain letters of adminiſtration, of the goods of the ſaid teſtator, unadminiſtered by the ſaid executors, ſhall be veſted in the truſtees and commiſſioners of the firſt fruits, for the augmentation of poor livings, according to the intent of ſaid will.

Placed out at intereſt.

(2) And the ſaid truſtees, *&c. are* impowered to place out at intereſt all ſuch money as aforeſaid, either in one entire ſum or in parcels, upon ſuch ſecurities, and with ſuch power of changing and transferring ſuch ſecurities, and of calling in and recovering the whole, or any part of the ſame, as is *(in this act)* mentioned, with reſpect to the produce of the revenue of firſt-fruits.

Diſpoſal of the intereſt-money.

(3) Which intereſt may be diſpoſed of by the ſaid truſtees, *&c.* in augmenting any benefices or livings, or any impropriate or appropriate curacies, or the maintenance of any parſon, vicar, curate or miniſter, officiating in any church or chapel where divine ſervice is or ſhall be performed, according to the liturgy and rites of the church of *Ireland* as now by law eſtabliſhed, where ſuch benefices, livings or curacies, or the maintenances of ſuch parſons, vicars, curates or miniſters as aforeſaid, ſhall in manner herein after mentioned appear to the ſaid truſtees to be under the yearly value of ſixty pounds, by the payment of annual ſalaries out of the intereſt of the ſaid money, according to the regulations and directions herein after appointed.

Valuation of benefices.

XLIII. *ſect.* 5. That the ſaid truſtees, *&c.* [*in order to the more regular making proper augmentations of poor livings*] ſhould be informed as exactly as may be of the clear improved yearly value of the maintenance of all ſuch parſons, vicars, curates and miniſters, whoſe maintenance ſhall be thought fit to be augmented: the reſpective archbiſhops and biſhops of every dioceſe are required from time to time, as they ſhall ſee occaſion, as well by the oath of two or more credible witneſſes, which oath they or others commiſſioned by them, under their hands and archiepiſcopal or epiſcopal ſeals, are hereby impowered to adminiſter, as by all other lawful ways and means to inform themſelves of the clear improved yearly value of every benefice, with cure of ſouls, living or curacy, appropriate or impropriate, and of the true and clear improved yearly value of the maintenance of every parſon, vicar, curate and miniſter officiating in every ſuch church or churches, chapel or chapels as aforeſaid, within their reſpective dioceſes, and how ſuch yearly values ariſe, with the other circumſtances thereof, where the value of ſuch benefice, or the maintenance of ſuch miniſter is commonly reputed to be under ſixty pounds by the year.

Certificates of the values.

(4) And the ſame or ſuch of them, whereof they ſhall have fully informed themſelves from time to time, to certify under their reſpective hands and archiepiſcopal or epiſcopal ſeals, to the ſaid truſtees and commiſſioners of the firſt-fruits, for their better information in the premiſſes.

Entry in books.

(5) And ſuch certificates when ſo returned to the ſaid truſtees and commiſſioners, ſhall be entered in a book to be by them, or ſome perſon to be appointed by them, provided and kept for that purpoſe.

Atteſted by the truſtees.

(6) And the ſaid entries being ſo made and atteſted and ſubſcribed by the ſaid truſtees and commiſſioners, or *quorum* of them *(by this act required)* ſhall be evidence of the true improved yearly value of ſuch benefice, living or curacy, and of the maintenance of every ſuch miniſter, unleſs by any change of

of circumſtances, the value of ſuch benefice, living or curacy, or the maintenance of ſuch parſon, vicar, curate or miniſter, ſhall be increaſed to the value of ſixty pounds by the year, or upwards, before the ſame ſhall have been augmented by the ſaid truſtees, and the ſame ſhall appear to have been ſo increaſed in value by a new certificate of the archbiſhops or biſhops of the dioceſe, to be returned, entered and atteſted in manner before mentioned. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10 *ſect.* 1.)

New certificate

XLIV. *ſect.* 6. The ſaid truſtees, *&c.* are impowered from the time ſuch certificate ſhall be ſo returned to them, and entered, ſubſcribed and atteſted as before is mentioned, to augment any benefice or living, or ſuch impropriate or appropriate curacy, or the maintenance of any ſuch parſon, vicar, curate or miniſter, which ſhall ſo appear to them to be under the yearly value of ſixty pounds, by granting to the incumbent of ſuch benefice or living, or to ſuch parſon, vicar, curate or miniſter, ſuch an annual ſalary to be paid out of the intereſt of the ſaid monies ſo bequeathed, and to be placed out at intereſt, as that the value ſo certified, together with ſuch augmentation ſo to be granted, ſhall not in the whole exceed ſixty pounds by the year.

Sixty pounds a year.

(2) And ſuch annual ſalaries as the ſaid truſtees ſhall ſo grant, purſuant to this act, may be granted to the incumbents of ſuch benefices or livings, and ſuch parſons, vicars, curates or miniſters, and their ſucceſſors, until ſuch time as convenient purchaſes can be made of glebes or tythes, or both, to be conveyed to them, purſuant to the ſaid will of the ſaid teſtator, or until the value of ſuch benefices or maintenance ſhall be encreaſed to the value of ſixty pounds by the year, by the ſaid truſtees or otherwiſe.

Until purchaſes can be made.

XLV. *ſect.* 7. *Whereas two or more benefices, vicarages, or curacies may be contiguous, and of ſuch ſmall extent, as that one church may be ſufficient for the ſame, and the cure thereof may be conveniently attended by the ſame parſon, vicar or curate, and it may happen that ſuch benefices, vicarages, or curacies are, or ſhall be epiſcopally united, and yet the whole value of ſuch united benefices, vicarages, or curacies may not amount to the clear yearly value of ſixty pounds*; all the clauſes and proviſions in this act relative to ſingle benefices, vicarages or curacies, ſhall extend to all ſuch united benefices, vicarages and curacies, where the ſame do not in the whole amount to the clear yearly value of ſixty pounds.

United benefices.

XLVI. *ſect.* 8. Provided, that in caſe at any time hereafter, by the lowering of the intereſt of money, or by failure of any of the ſecurities on which any of the ſaid money ſhall be ſo laid out at intereſt, as is before mentioned, or by any other unforeſeen or unavoidable accident or expence which may attend the execution of the ſaid powers and truſts, it ſhall happen that the annual intereſt of the ſaid money, or the fund allotted for the payment of the ſaid ſalaries, ſhall fall ſhort, ſo as not to be ſufficient to anſwer the payment of the whole ſum, which ſhall have been before granted in annual ſalaries as aforeſaid, it may in ſuch caſe be lawful for the ſaid truſtees, *&c.* to reduce or leſſen all the ſaid ſalaries which ſhall have been before ſo granted, by making a rateable and proportionable deduction from each of ſuch ſalaries, ſo as that every ſuch parſon, vicar, curate, or miniſter, whoſe benefice or maintenance ſhall have been ſo augmented, ſhall receive only ſuch a proportionable part of the whole ſalary, which had been ſo before granted, as that the annual intereſt of the ſaid money, or the ſaid fund allotted for the payment of ſuch ſalaries, ſhall after ſuch diminution be ſufficient to anſwer, and no more, until the ſaid fund ſhall again be enlarged or reſtored to its former

Failure of the fund.

Reducing ſalaries.

former ſtate, ſo as to be ſufficient to pay and anſwer the whole of the ſaid ſalaries ſo before granted.

A church in repair.

XLVII. *ſect.* 9. Provided alſo, that no augmentation of the benefice or maintenance of any ſuch parſon, vicar, curate, or miniſter, ſhall be made by the grant of any ſuch annual ſalary, or by virtue of the powers veſted in the ſaid truſtees, *&c.* by the letters patent, or the acts of parliament *(before paſſed)* or this preſent act, unleſs there ſhall be at the time of granting ſuch augmentation, or within three years after ſuch grant ſhall be made, within ſuch benefice, living or curacy, a church or chapel actually built and in good and ſufficient repair, where divine ſervice according to the liturgy of the church of *Ireland*, as now by law eſtabliſhed, ſhall be performed every *Sunday* at leaſt by ſuch parſon, vicar, curate or miniſter, whoſe benefice or maintenance ſhall be ſo augmented.

Commencement of ſalaries.

(2) And in caſe ſuch ſalary ſhall be granted for the augmentation of any ſuch benefice, or the maintenance of any ſuch parſon, vicar, curate or miniſter as aforeſaid, where no ſuch church or chapel ſhall be at the time of making ſuch grant, actually built and in ſuch good and ſufficient repair; but the ſame is to be given and granted to encourage the building or repairing ſuch church or chapel within three years as aforeſaid, ſuch ſalary or augmentation, notwithſtanding any ſuch grant, ſhall not commence or take place, nor ſhall ſuch parſon, vicar, curate or miniſter be entitled to demand or receive ſuch ſalary or augmentation, but from the time that ſuch church or chapel ſhall be actually built and fitted for the performance of divine ſervice.

Wilful abſence,

XLVIII. *ſect.* 10. If the incumbent of any ſuch benefice, living or curacy, or any parſon, vicar, curate or miniſter, whoſe maintenance ſhall be ſo augmented by the grant of ſuch annual ſalary, or otherwiſe by the ſaid truſtees, ſhall not reſide upon ſuch augmented benefice, living or curacy, or ſhall be wilfully abſent from the cure of ſuch church or chapel, for the ſervice of which ſuch augmentation ſhall be ſo granted, for above the ſpace of ſixty one days in any one year,

without licence.

without licence firſt obtained from the biſhop of the dioceſe wherein ſuch living or curacy, or ſuch church or chapel ſhall be; or, if the ſee be vacant, from the guardian of the ſpiritualities under their epiſcopal ſeal or ſeals of office reſpectively, for reaſonable and good cauſes in ſuch licence to be expreſſed, and a certificate of the having granted ſuch licence returned under the hands and archiepiſcopal or epiſcopal ſeal or ſeals of office of the archbiſhop, biſhop or guardians of the ſpiritualities ſo granting the ſame reſpectively to the ſaid truſtees.

Sufficient curate.

(2) And unleſs ſuch parſon, vicar, curate or miniſter, ſo to be abſent by virtue of ſuch licence, ſhall provide a ſufficient perſon to be approved of by the archbiſhop, biſhop, or ordinary of ſuch dioceſe, to ſupply the cure, and perform divine ſervice in ſuch church or chapel during ſuch abſence.

Diſcontinuance of ſervice.

(3) Or if there ſhall be a diſcontinuance of the performance of divine ſervice, except for the neceſſary repairs or rebuilding of the ſaid churches or chapels, or for other cauſes to be approved of by the archbiſhop, biſhop, or other ordinary of the dioceſe, and certified to the ſaid truſtees as aforeſaid.

Salary to ceaſe.

(4) Then, and in any of the ſaid caſes, ſuch ſalary or augmentation ſo made of any ſuch benefice, living, or curacy, and all right and title of any ſuch parſon, vicar, curate or miniſter, to demand or receive ſuch ſalary or augmentation, ſhall uttterly ceaſe and be determined during his incumbency only, notwithſtanding any ſuch grant before made thereof.

(5) And

(5) And ſuch parſon, vicar, curate or miniſter, ſhall for ever after be diſabled and rendered incapable of having or enjoying ſuch ſalary or augmentation: but the ſame ſhall nevertheleſs be reſtored and payable to the next ſucceſſor, as if the ſame had not ſo ceaſed or been ſuſpended. Diſability.

(6) And the ſaid ſalary or augmentation, ſo ſtopped during the incumbency of ſuch diſabled perſon, *ſhall* be veſted in the ſaid truſtees, to be applied by them to the increaſe of the ſaid fund, or ſuch other purpoſes as the ſame might have been applied to if the ſame had not been ſo granted as aforeſaid. Salary applied, &c.

XLIX. *ſect.* 11. In caſe any incumbent of any ſuch benefice, living, or curacy, or any parſon, vicar, curate, or miniſter, whoſe maintenance ſhall be augmented by the grant of ſuch annual ſalary, or otherwiſe by the ſaid truſtees, ſhall accept of and take any other benefice, living or curacy, and be inſtituted and inducted into the poſſeſſion of the ſame, then the ſaid benefice, living or curacy, which ſhall have been ſo augmented, ſhall from thenceforth be abſolutely void. Accepting another living.

(2) And it ſhall be lawful for the archbiſhop, biſhop, or other patron, to collate or preſent thereto in like manner as if the former incumbent had died or reſigned; any licence, union, or other diſpenſation to the contrary in any wiſe notwithſtanding, Avoidance.

(3) And every licence, union or diſpenſation of what name or names, quality or qualities ſoever obtained contrary to the true meaning and intention of this act, ſhall be abſolutely void and of none effect. Diſpenſations null.

(4) And in caſe any perſon already poſſeſſed of any benefice, living, or curacy, ſhall be collated or inſtituted to any of the ſaid benefices, livings or curacies which ſhall be ſo augmented by the ſaid truſtees as aforeſaid, every ſuch collation, preſentation, or nomination ſhall be utterly void to all intents and purpoſes whatſoever. Poſſeſſed of a living before.

L. *ſect.* 12. Provided that no lapſe ſhall incur upon any avoidance of any benefice, living or curacy, which ſhall happen in conſequence of this act, until ſix months after notice ſhall be given in all caſes in which notice is now by law required to the perſons having a right to preſent or nominate to the ſame by the archbiſhop or biſhop of the dioceſe, or other ordinary for the time being, in writing under their hand and archiepiſcopal or epiſcopal ſeal or ſeals of office reſpectively. No lapſe till after notice.

LI. *ſect.* 13. All ſuch churches, curacies or chapels which ſhall at any time be augmented by the ſaid truſtees, &c. ſhall be from the time of ſuch augmentations, perpetual cures and benefices, and the miniſters duly nominated and licenſed thereunto, and their ſucceſſors reſpectively ſhall be eſteemed in law bodies politick and corporate, and ſhall have perpetual ſucceſſion by ſuch names as in the grant of ſuch augmentation ſhall be mentioned, and ſhall have a legal capacity, and are hereby enabled to take in perpetuity to them and their ſucceſſors all ſuch lands, tythes, or hereditaments, as ſhall be granted to or purchaſed for them by the ſaid truſtees, or ſuch annual ſalaries as ſhall be ſo granted purſuant to this act. Perpetual cures.

(2) And the impropriators or patrons of any augmented churches or donatives for the time being, and their heirs, and the rectors and vicars of the mother-churches whereto any ſuch augmented curacy or chapel doth appertain, and their ſucceſſors, are hereby utterly excluded from having or receiving directly or indirectly any profit or benefit by ſuch augmentation. Patrons, rectors, &c.

Former allowances.

(3) And ſhall after ſuch augmentation pay and allow to the miniſters officiating in any church or chapel ſo augmented, ſuch annual and other penſions, ſalaries and allowances, which by ancient cuſtom or otherwiſe of right and not of bounty, ought to be by them reſpectively paid, and which they might by due courſe of law before the making of this act have been compelled to pay to the reſpective miniſters officiating there, and ſuch other yearly allowance as ſhall be agreed upon (if any ſhall be) between the ſaid truſtees and ſuch patron and impropriator upon making the augmentation, and the ſame are hereby perfectly veſted in the miniſters officiating in ſuch augmented church or chapel, and their reſpective ſucceſſors. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 4.)

Agreements.

Cure and parochial rights.

LII. *ſect.* 14. Provided that no ſuch rector or vicar of ſuch mother-church, or any other eccleſiaſtical perſon having cure of ſouls within the pariſh or place where ſuch augmented church or chapel ſhall be ſituate, or their ſucceſſors, ſhall hereby be diveſted or diſcharged from the ſame: but the cure of ſouls with all other parochial rights and duties, ſuch augmentation and allowances to the augmented church or chapel as aforeſaid only excepted, ſhall remain in the ſame plight and condition as if ſuch augmentation had not been made. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 5.)

Lapſe to the ordinary.

LIII. *ſect.* 15. In caſe ſuch augmented cures be ſuffered to remain void by the ſpace of ſix months, without any nomination within that time, of a fit perſon to ſerve the ſame, by the perſons having the right of nomination thereunto to the biſhop or other ordinary within that time, to be licenſed for that purpoſe, the ſame ſhall lapſe to the biſhop or other ordinary, and from him to the metropolitan, and from the metropolitan to the crown, according to the courſe of law uſed in the caſe of preſentative benefices.

Right of nomination.

(2) And the right of nomination to ſuch augmented cure may be granted or recovered, and the incumbency thereof ſhall ceaſe and be determined in the like manner, and by the like methods as the preſentation to, or any incumbency in any vicarage preſentative may now reſpectively be granted, recovered and determined. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 6.)

Before advantage taken.

LIV. *ſect.* 16. Provided, that in caſe the perſons intitled to nominate to ſuch augmented cure, ſhould ſuffer lapſe to incur, but ſhall nominate before any advantage taken thereof by the ordinary, metropolitan, or crown, reſpectively, ſuch nomination ſhall be as effectual as if made within ſix months, although ſo much time be before elapſed, as that the title of lapſe be veſted in the crown. (*Brit. Stat.* 1 *Geo.* 1. *cap* 10. *ſect.* 7.)

Donatives.

LV. *ſect.* 17. All donatives which ſhall be augmented by the ſaid truſtees, *&c.* by virtue of the powers given by this act, or in purſuance of the truſts veſted in them by the ſaid letters patent, and the acts, *(in this act recited)* ſhall be ſubject to the viſitation and juriſdiction of the biſhop of the dioceſe, wherein ſuch donative is. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 14.)

Conſent of

LVI. *ſect.* 18. Provided, that no donative ſhall be augmented without the conſent of the patrons in writing, under their hands and ſeals firſt obtained. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 15.)

Truſtees to agree with patrons, *&c.*

LVII. *ſect.* 19. Provided alſo, that where the ſaid truſtees ſhall, in purſuance of the powers given to them by this act, or the letters patent, and acts *(in this act recited)* think it fitting, that any donative, curacy, or chapelry, ſhould receive an augmentation out of the ſaid funds veſted in them, the ſaid truſtees, *&c.* are hereby impowered before they make the ſaid augmentation, to

to treat and agree with the patron of any donative, impropriator of any rectory impropriated without endowment of any vicarage, or parſon, or vicar of any mother-church, as the caſe ſhall happen to be, for a perpetual, yearly, or other payment or allowance to the miniſter or curate of ſuch augmented donative, curacy or chapelry, and his ſucceſſors to be made in all ſucceeding times, by ſuch patron, impropriator, parſon, or vicar, and their heirs and ſucceſſors, and for charging and ſubjecting the impropriate rectory, or mother-church, or vicarage therewith, and thereunto, in ſuch manner, and with ſuch remedies for recovery thereof as ſhall be thought fit.

With the chief governors, &c.

(2) And ſuch agreements made with the chief governor or governors of this kingdom for the time being, with the advice and conſent of ſix or more of the privy council of this kingdom, teſtified under their hands, in caſes where the King, his heirs and ſucceſſors are or ſhall be intereſted, or with any bodies politic or corporate, or any other perſons having any eſtate or intereſt in poſſeſſion, reverſion, or remainder in any ſuch impropriate rectory, in their own right, or in right of their wives, or in right of their churches, or with the guardians of any perſons, having ſuch eſtate or intereſt with any parſon or vicar of any mother-church, ſhall be reſpectively good and effectual, with reſpect to ſuch charges againſt his Majeſty, his heirs and ſucceſſors, or againſt any ſuch bodies politic and corporate, or againſt the perſons ſo agreeing, their wives, heirs, and ſucceſſors reſpectively, and every of them, and againſt their iſſue, and againſt every other perſon claiming in remainder or reverſion, after any eſtate tail in the premiſſes according to the form of ſuch agreement, as fully and in like manner as if ſuch agreement had been made by his Majeſty, *&c.* under the great ſeal, and as if ſuch bodies politic and corporate had been free from any reſtraint, and as if ſuch other perſons ſo agreeing had been ſole ſeized in their own right of ſuch donative, impropriate rectory or mother-church, at the time of making ſuch agreement.

good and effectual.

Guardians.

(3) And the agreements of guardians, on behalf of infants or idiots under their guardianſhip, may be as effectual as if the ſaid infants or idiots had been of full age, and of ſound mind, and had themſelves entered into ſuch agreement. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 8, 9, 11.)

Conſents neceſſary.

LVIII. *ſect.* 20. Provided, that in caſe of any ſuch agreement as aforeſaid, with any parſon or vicar, the ſame ſhall be with the approbation and conſent of his patron and ordinary; and in caſe of any ſuch agreement made with any perſon in right of his wife, that the wife may be a party to the agreement, and ſeal and execute the ſame. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 9.)

Oaths to witneſſes, *&c.*

LIX. *ſect.* 21. The ſaid truſtees, *&c.* are hereby impowered from time to time to adminiſter an oath to ſuch perſons as ſhall at any time give them information, to be examined of, or concerning any matter or thing relating to the execution of this, or the former acts, or any way concerning the powers and truſts in them repoſed.

Entries to be made.

LX. *ſect.* 22. All augmentations, certificates, agreements, and orders, made or returned to or by the ſaid truſtees, in purſuance of this and the former acts, ſhall be carefully examined and entered into a book to be provided and kept by the ſaid truſtees, or ſome perſon to be by them appointed for that purpoſe.

Copies evidence.

(2) And ſuch entries being approved of by the ſaid truſtees, or ſuch *quorum* of them as aforeſaid, and atteſted by them, ſhall be taken to be as records, and true copies thereof, or of the ſaid entries being proved by one credible witneſs,

neſs, ſhall be deemed to be good and ſufficient evidence in law, touching the matters contained therein, or relating thereto. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 20.)

Avowry.

Without naming the tenant.

I. *Stat.* 33 *Hen.* 8. *ſeſſ.* 1. *cap.* 7. *ſect.* 1. Whereſoever any lands be holden by rents, cuſtoms or ſervices, if the lord of whom ſuch lands be ſo holden diſtrain upon the ſame for any ſuch rents, &c. and replevin thereof be ſo ſued that the lord may avow, or his bailiff or ſervant make cognizance, or juſtify taking of the ſaid diſtreſſes upon the lands ſo holden, as in lands within his fee, alledging in the ſaid avowry, &c. the ſame lands to be holden of them without naming of any perſon certain to be tenant of the ſame, and without making any avowry, &c. upon any perſon certain: and likewiſe the lord bailiff or ſervant to make avowry in like manner upon every writ ſued of ſecond deliverance. (*Eng. Stat.* 21 *Hen.* 8. *cap.* 19. *ſect.* 3.)

Damages and coſts.

II. *ſect.* 2. Every avowant, and perſons that avow as bailiff or ſervant to any perſon, in any *replegiare*, or ſecond deliverance for damages feaſant, or other rent upon any diſtreſs taken if the avowry be found for them, or the plaintiffs in the ſame be non-ſuit or otherwiſe barred, ſhall recover their damages and coſts againſt the plaintiffs, as the plaintiff ſhould have done if they had recovered in the *replegiare* or ſecond deliverance found againſt the defendants. (*Eng. Stat.* 7 *Hen.* 8. *cap.* 4. *ſect.* 3)

Like pleas as at law.

III. *ſect.* 3. The plaintiffs and defendants in the ſaid writs of *replegiare* or writs of ſecond deliverance, ſhall have like pleas and like aid prayers in all ſuch avowries, &c. pleas of diſclaim only excepted, as they might have had before the making of this act, and as though the ſaid avowry, &c. had been made after due order of the common law. (*Eng. Stat.* 21 *Hen.* 8. *cap.* 19. *ſect.* 4.)

Others may join.

IV. *ſect.* 4. All ſuch perſons as by common law may lawfully join to the plaintiffs or defendants in *replegiare* or ſecond deliverance, as well without proceſs as by proceſs, ſhall from henceforth join unto the ſaid plaintiffs or defendants, and have like pleas and advantage, diſclaimer only excepted, as they might have done by common law. (*Eng. Stat.* 21 *Hen.* 8. *cap.* 2. *ſect.* 19.)

Damages and coſts.

V. *Stat.* 33 *Hen.* 8. *ſeſſ.* 1. *cap.* 13. *ſect.* 3.) Every avowant, and any other perſon that maketh avowry, &c. as bailiff in any *replegiare*, ſecond deliverance for any rent, cuſtom or ſervice, if their avowry, &c. be found for them, or the plaintiffs in the ſaid actions otherwiſe barred, ſhall recover their damages and coſts as the plaintiffs ſhould have done if they had recovered in the ſaid replevins. (*Eng. Stat.* 7 *Hen.* 8. *cap.* 4. *ſect.* 3.)

Plaintiffs non-ſuited.

VI. *Stat.* 7 *Will.* 3. *cap.* 22. *ſect.* 1. Whenever any plaintiff in replevin, ſhall be nonſuit before iſſue joined in any ſuit in replevin depending in any court of record, the defendant making a ſuggeſtion in nature of an avowry or conuſance for ſuch rent, to aſcertain the court of the cauſe of diſtreſs; the court upon his prayer, ſhall award a writ to the ſheriff of the county

where the diſtreſs was taken, to inquire by the oaths of twelve lawful men of the bailiwick, touching the ſum in arrear at the time of ſuch diſtreſs taken, and the value of the goods or cattle diſtrained, and thereupon notice of fifteen days ſhall be given to the plaintiff or his attorney in court, of the ſitting of ſuch inquiry. Writ of inquiry

(2) And thereupon the ſheriff ſhall inquire of the truth of the matter contained in ſuch writ, by the oaths of twelve lawful men of his county; and upon the return of ſuch inquiſition, the defendant ſhall have judgment to recover againſt the plaintiff the arrearages of ſuch rent, in caſe the goods or cattle diſtrained ſhall amount unto the value; and in caſe they ſhall not amount to that value, then ſo much as the value of the ſaid goods and cattle ſo diſtrained ſhall amount unto, with his full coſt of ſuit; and ſhall have execution thereupon by *fieri facias* or *elegit*, or otherwiſe. Inquiſition by a jury.

(3) And in caſe ſuch plaintiff ſhall be nonſuit after conuſance or avowry made, and iſſue joined, or if the verdict ſhall be given againſt ſuch plaintiff, the jurors that are impanelled or returned to inquire of ſuch iſſue, ſhall, at the prayer of the defendant, inquire concerning the ſum of the arrears, and the value of the goods or cattle diſtrained: and thereupon the avowant, *&c.* ſhall have judgment for ſuch arrearages, or ſo much thereof as the goods or cattle diſtrained amount unto, with full coſts, and ſhall have execution for the ſame by *fieri facias* or *elegit*, or otherwiſe. Judgment, with coſts.

VII. *ſect.* 2. If judgment in any of the courts aforeſaid be given upon demurrer, for the avowant, *&c.* for any rent, the court ſhall, at the prayer of the defendant, award a writ to inquire the value of ſuch diſtreſs, and upon the return thereof, judgment ſhall be given for the avowant, *&c.* as aforeſaid, for the arrears alledged to be behind in ſuch avowry, *&c.* if the goods or cattle ſo diſtrained ſhall amount to the value; and in caſe they ſhall not amount to that value, then for ſo much as the ſaid goods or cattle diſtrained amount unto, with his full coſts of ſuit, and ſhall have like execution as aforeſaid. On demurrer.

VIII. *ſect.* 3. Provided that in all caſes aforeſaid, where the value of the cattle diſtrained ſhall not be found to be to the value of the arrears diſtrained for, that the party to whom ſuch arrears were due, his executors or adminiſtrators may diſtrain again for the reſidue of the ſaid arrears. (*Eng. Stat.* 17 *Car.* 2. *cap.* 7.) New diſtreſs.

IX. *Stat.* 9 *Geo.* 2. *cap.* 5. *ſect.* 5. Where any diſtreſs ſhall be taken by any landlord for arrears of rent due, upon any leaſe for lives or years, or upon any contract or writing, purporting a demiſe of any lands, *&c.* whereon any rent has been paid by the tenant in poſſeſſion at the time of ſuch diſtreſs, or by any perſon under whom he claims, where the title to the lands is not in queſtion, and a replevin is taken for ſuch diſtreſs, the avowant in his avowry may ſet forth only, that he was ſeized or poſſeſſed, without ſetting forth the commencement of his eſtate, or deducing a title from the perſon under whom he derives his intereſt, or that ſuch perſon was ſeiſed in fee of the lands, *&c.* and the want thereof ſhall not be any cauſe of demurrer to ſuch avowry. Title to lands.

This act is continued by Stat. 31 Geo. 2. cap. 9. ſect. 2. *for eleven years, and to the end of the next ſeſſion of parliament.* Continuance.

X. *Stat.*

Conuſance generally.

X. *Stat.* 25 *Geo.* 2. *cap.* 13. *ſect.* 4. It ſhall be lawful for all defendants in replevin, to avow or make conuſance generally, that the plaintiff in replevin, or other tenant of the lands, *&c.* whereon diſtreſs was made, enjoyed the ſame under a demiſe or article in writing at ſuch a certain rent, during the time wherein the rent diſtrained for incurred, which rent was then and ſtill remains due, without further ſetting forth the demiſe or title of ſuch landlords or owners of ſuch lands, *&c.* and it ſhall be no objection to any ſuch article, that the ſame doth not contain an actual demiſe.

Double coſts of ſuit.

(2) And if the plaintiffs in ſuch action ſhall become nonſuit, diſcontinue their action, or have judgment given againſt them, the defendants in ſuch replevin ſhall recover double coſts of ſuit. (*Brit. Stat.* 11 *Geo.* 2. *cap.* 19. *ſect.* 22.)

Bail.

Who are not bailable.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 15. As it hath not been determined what perſons are repleviſable, and what not, ſave only ſuch as be taken for the death of a man, or by the command of the King or his juſtices, or for the foreſt; it is now provided, that perſons outlawed, and ſuch as have abjured the realm, provers, and ſuch as be taken with the manner, priſon-breakers, thieves openly defamed and known, appellees by provers during the life of ſuch provers, if they be not of good name, houſe-burners, counterfeiters of the King's ſeal or coin, excommunicate perſons, manifeſt offenders and traitors, are not repleviſable by common writ, or without writ.

Guilty of larceny.

(2) But perſons indicted of larceny by inqueſts taken before ſheriffs or bailiffs, or of petty larceny, which amounteth not above the value of 12*d.* not before detected, or acceſſary to any felony, or of light ſuſpicion, or bailable by good ſureties, for which the ſheriffs ſhall be anſwerable.

Penalty for eſcapes.

(3) If any ſheriff or other, having the cuſtody of a priſon, ſet any at large by ſurety, who is not repleviſable, and be thereof attainted, he ſhall loſe his fee and office for ever; and if any under-officer doth it, he ſhall ſuffer three months impriſonment, and make fine at the King's will.

Tender of ſecurity.

(4) And if any with-hold priſoners repleviſable, after they have tendered ſufficient ſurety, he ſhall be grievouſly amerced; and if he take any reward for the deliverance of ſuch, he ſhall pay double to the priſoner, and be alſo grievouſly amerced.

Two juſtices.

II. *Eng. Stat.* 3 *Hen.* 7. *cap.* 3. Two juſtices (1 *Quor.*) have power to let to bail perſons bailable by law, until the next quarter-ſeſſions or gaol delivery, and ſhall there certifie the ſame, on pain of 10*l.*

Names of priſoners.

(2) And the ſheriff, and all others having the cuſtody of gaols, ſhall certifie the names of all priſoners in their cuſtody, to the juſtices of gaol-delivery, at their general gaol-delivery, on pain to forfeit 5*l.*

Not bailable.

III. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 18. *ſect.* 2. No juſtices of peace, ſhall let to bail or mainpriſe any perſon for any offence forbidden to be bailed by the ſtatute of Weſtminſter the firſt.

For felony, *&c.*

IV. *ſect.* 3. Any perſon arreſted for manſlaughter or felony, being bailable by law, ſhall not be let to bail by any juſtices of peace, if it be not in open ſeſſions,

ſeſſions, except it be by two juſtices of peace at the leaſt, whereof one to be of the *quorum*, and the ſame juſtices to be preſent together at the time of the bailment, which bailment they ſhall certifie in writing, ſubſcribed with their own hands, at the next general gaol-delivery.

Examination to be taken.

V. *ſect.* 4. The ſaid juſtices, when any ſuch priſoner is brought before them, before any bail, ſhall take the examination of the priſoner, and information of them that bring him, of the fact and circumſtances thereof, and as much thereof as ſhall be material ſhall put in writing before they make the bailment; which examination, together with the bailment, the ſaid juſtices ſhall certifie at the next general gaol-delivery.

Commiſſions for taking bail.

VI. *Stat.* 7 *Will.* 3. *cap.* 18. *ſect.* 2. The chief juſtice and juſtices of the King's bench, or any two of them, whereof the chief juſtice to be one, and the chief juſtice of the common-pleas and other the juſtices there, or any two of them, whereof the chief juſtice to be one, and alſo the chief baron and barons of the exchequer, or any two of them, whereof the chief baron to be one, may, by commiſſions under the ſeveral ſeals of the reſpective courts, impower ſuch perſons, other than common attornies and ſolicitors, as ſhall be fit and neceſſary in the ſeveral counties, to take ſuch recognizances of bail, as any perſon ſhall be willing to acknowledge, before any of the perſons ſo impowered, in any ſuit depending in the ſaid reſpective courts, in ſuch manner as the juſtices and barons of the ſaid courts have uſed to take the ſame; for each of which commiſſions there ſhall be paid thirteen ſhillings and four pence: which recognizances ſhall be tranſmitted to ſome of the juſtices or barons of the reſpective courts, where ſuch ſuit ſhall be depending.

Fees for commiſſions.

Affidavit of recognizance.

(2) And upon affidavit made of the due taking of the recognizance of ſuch bailpiece, by ſome credible perſon preſent at the taking thereof, ſuch chief juſtice or chief baron, juſtice or baron, ſhall receive the ſame upon payment of ſuch fees as have been uſually received for the taking of ſpecial bails by the juſtices and barons clerks, and the officers of the reſpective courts; which recognizance ſhall be of the like effect, as if the ſame were taken *de bene eſſe* before any of the ſaid juſtices and barons. For the taking of every which recognizance, the perſons ſo impowered ſhall receive only two ſhillings.

De bene eſſe.

Making bails abſolute.

VII. *ſect.* 3. The juſtices and barons reſpectively, ſhall make ſuch orders for juſtifying of ſuch bails, and making the ſame abſolute, as to them ſhall ſeem meet: ſo as the cogniſors be not compelled to appear in perſon in the courts to juſtifie themſelves; but the ſame is directed to be determined by affidavits duly taken before the ſaid commiſſioners, who are impowered to take the ſame, and to examine the ſureties upon oath touching the value of their reſpective eſtates; unleſs the cogniſors of ſuch bail do live within the city of *Dublin*, or ten miles thereof.

By judges of aſſiſe.

VIII. *ſect.* 4. Any judge of aſſiſe in his circuit may take ſuch recognizances of bail as any perſon ſhall be willing to acknowledge before him; which being tranſmitted in like manner, ſhall without oath be received upon payment of the uſual fees.

Perſonating others felony.

IX. *ſect.* 5. Any perſon who ſhall before any perſon impowered by this act to take bails, perſonate any other, whereby the ſaid perſon ſo perſonated, may be liable to the payment of any debt or damages, to be recovered in the ſuit wherein ſuch perſons are perſonated, being convicted thereof, ſhall be adjudged felons. (*Eng. Stat.* 4 *Will. & Mar. cap.* 4.)

X. *Stat.*

Assignment of bail bonds.

X. *Stat.* 6 *Ann. cap.* 10. *ſect.* 18. If any perſon ſhall be arreſted by any writ or proceſs iſſuing out of the four-courts at *Dublin*, at the ſuit of any common perſon, and the ſheriff or other officer taketh bail from ſuch perſon, the ſheriff or other officer at the requeſt or coſt of the plaintiff or his attorney, ſhall aſſign to the plaintiff the bail-bond or other ſecurity taken from ſuch bail, by indorſing the ſame, and atteſting it under his hand and ſeal in the preſence of two credible witneſſes.

Action by aſſignee.

(2) And if the ſecurity taken for bail be forfeited, the plaintiff after ſuch aſſignment made, may bring an action thereupon in his own name, and the court where the action is brought, may, by rule of court, give ſuch relief to the plaintiff and defendant in the original action, and to the bail upon the ſecurity taken from ſuch bail, as is agreeable to juſtice, and ſuch rules of the court ſhall have the nature and effect of a defeaſance to ſuch bail-bond, or other ſecurity for bail. (*Eng. Stat.* 4 & 5 *Ann. cap.* 16. *ſect.* 20.)

Not charged for other cauſe.

XI. *Stat.* 6 *Ann. cap.* 15. *ſect.* 5. Where any bail ſhall be given in *any* ſuit in any of the four-courts in *Dublin*, ſuch bail, ſhall not be anſwerable or charged, by reaſon of becoming bail. for any other cauſe but the particular action or ſuit, in which ſuch perſon ſhall become bail.

Bakers and Bread.

No perſon to bake for ſale or ſell bread in Dublin or liberties, till regiſtry of name and abode; times of entry expreſſed.

I. *Stat.* 13 & 14 *Geo.* 3. *c.* 47. *ſect.* 1. After the 1ſt of Auguſt 1774, no perſon ſhall make or bake for ſale, or ſell or expoſe to ſale, any bread within the city of Dublin or liberties thereof, or within the liberties of Saint Sepulchre's, Thomas court and Donore, unleſs ſuch perſon ſhall firſt regiſter his or her name and place of abode, in ſome book kept for that purpoſe by the lord mayor and ſeneſchals of ſaid liberties, within their reſpective juriſdictions; in which entries reſpectively ſhall be alſo expreſſed the reſpective times of making ſuch entries.

Oath or Affirmation before regiſtry.

II. *ſect.* 2. No perſon ſhall be regiſtered in manner before directed, unleſs he or ſhe ſhall ſwear, or, being quakers, affirm in the following manner,

Oath.

I. A. B. *do ſwear*, (*or ſolemly affirm*, as the caſe ſhall require,) *that I will not enter into any unlawful combination whatſoever to raiſe the price of bread, or of corn, meal, or flour, or into any unlawful combination not to bake, and that I will not knowingly make, bake, or ſell, or permit to be made, baked or ſold, for my uſe, any bread in which any other ingredient or mixture ſhall be put, ſave only the genuine flour or meal of the grain, and ſalt, water, and barm, or yeaſt, or eggs, or milk.*

which oath the lord mayor of Dublin, and ſaid feneſchals for the time being reſpectively, are impowered and required to adminiſter within their juriſdictions.

Penalty 5l.

III. *ſect.* 3. If any perſon do, or ſhall, after the time aforeſaid make, or bake for ſale, or ſell or expoſe to ſale, any bread within the city of Dublin or liberties thereof, or within the liberties of Saint Sepulchre's, Thomas Court and Donore, without having been regiſtered, and having taken the oath or

made

made the affirmation as before directed, he, ſhe, or they, being thereof convicted in manner after mentioned, ſhall for every ſuch offence forfeit five pounds; to be recovered and applied in manner after directed.

The weight of wheaten or white loaves.

IV. *ſect.* 4. No perſon or perſons ſhall after the time aforeſaid, make, or bake, for ſale, or ſell, or expoſe to ſale, within ſaid city or liberties, any loaf or loaves of wheaten or white bread, ſave of the reſpective avoirdupoiſe weights after mentioned, loaves of wheaten bread to weigh reſpectively at leaſt, eight pounds, ſix pounds, four pounds, and one pound; and loaves of white bread to weigh reſpectively at the leaſt, ſix pounds, four pounds, two pounds, and one pound.

If weight deficient penalty as by 1 G. 2. c. 16.

V. *ſect.* 5. If any perſons ſhall, after the time aforeſaid, make, or bake for ſale, or ſell, or expoſe to ſale, within the city of Dublin or the liberties, or within the liberties of ſaint Sepulchre's, Thomas Court and Donore, any loaf or loaves of wheaten or white bread, deficient in the weights herein before reſpectively ſet, they, ſo offending in the premiſes, and being thereof convicted, ſhall forfeit the penalties inflicted by an act of the firſt of George the ſecond.

Bakers name and weight marked on every loaf, or puniſhed as by 1 G. 2. c. 16.

VI. *ſect.* 6. Every perſon, who ſhall, after the time aforeſaid, make or bake for ſale, or ſell or expoſe to ſale within the city of Dublin or liberties, or liberties of Saint Sepulchre's, Thomas Court, and Donore, any ſort of wheaten or white bread, ſhall from time to time cauſe to be fairly imprinted or marked on every loaf of ſuch bread, the name of the baker, and alſo the number of pounds ſuch loaf ſhall weigh; and every perſon, who ſhall ſo make or bake for ſale, or ſhall ſell or expoſe to ſale any loaf or loaves of wheaten or white bread, not ſo marked, ſhall, upon conviction, according to the methods preſcribed by an act of 1 G. 2. be puniſhed in ſuch manner, and under ſuch penalties, regulations, and allowances, as in ſaid act, in caſes where bread deficient in weight.

Real name of baker not marked 20s.

VII. *ſect.* 7. If any perſon ſhall make or bake for ſale, or ſell or expoſe to ſale, within the city of Dublin or liberties, or liberties of Saint Sepulchre's, Thomas Court and Donore, any loaf of ſuch wheaten or white bread, on which the real name of the perſon, who baked, ſhall not be marked as aforeſaid, being thereof convicted in manner herein mentioned, ſhall forfeit for every ſuch offence, twenty ſhillings; to be recovered and applied as herein is mentioned.

Bread not marked, ſeized, and carried before the lord mayor or ſeneſchals;

VIII. *ſect.* 8. It ſhall be lawful for any perſon lawfully authorized in day time to ſeize and take every loaf of wheaten or white bread, at any time or times found not marked, as before directed, and to carry before the lord mayor, in caſe the ſame be found within the city of Dublin or liberties thereof, or before the ſeneſchals of Saint Sepulchre's, Thomas Court, and Donore, or the liberties thereof reſpectively, in caſe the ſame be found within their reſpective juriſdictions; and if the magiſtrate, before whom any ſuch bread is brought, ſhall find not marked according to directions before mentioned, all ſuch bread, not ſo marked, ſhall be forfeited and given away to the perſon ſeizing and informing, or to and amongſt the poor of the pariſh or place in which ſeized, or in ſuch other manner as the magiſtrate who ſhall judge the ſame to be forfeited, ſhall direct.

forfeited to informer or poor, or as directed.

Magiſtrates may by day enter places for ſale, ſearch, and

IX. *ſect.* 9. It ſhall be lawful for ſaid magiſtrates within their juriſdictions, at all times hereafter, in day time, to enter into any houſe, out-houſe, ſhop, or other place belonging to any perſon who ſhall make or bake for

examine ingredients, view, weigh, and try, and seize if not allowable, and dispose of,

sale, or sell any bread, and there to search and examine into the ingredients they find any such person using in making bread, or which he hath used in making bread, and to view, weigh, and try all bread on any such search found; and if on such search any dough or bread shall be found, in which any such ingredients, not herein allowed to be used, shall be made use of, it shall be lawful for such magistrates respectively to seize such ingredients, dough, and bread, and dispose in such manner as they think fit, and also to commit the person or persons in whose custody they shall find such ingredients, dough, or bread, to the common goal, without bail or mainprize, such number of days not exceeding twenty, as such magistrates respectively according to their discretion think fit to order and direct.

imprison person in whose custody, not above 20 days.

Obstructing search, 5l.

X. *sect.* 10. If any persons wilfully oppose, or obstruct any such search, he, she, or they, being convicted in manner herein mentioned, shall for every such offence forfeit five pounds; to be recovered and applied as herein directed.

Market clerks to return weekly and certify on oath, quantity of wheat and flour, and meal of wheat, sold each market day, and prices and sorts,

XI. *sect.* 11. The clerk of the respective markets, or such other person as authorized or appointed for the purpose within the city of Dublin and liberties, and liberties of Saint Sepulchre's, Thomas Court and Donore, shall weekly return and certify upon oath to the lord mayor, and said seneschals respectively, the quantity of wheat, and flour, and meal of wheat, sold each market day in said respective markets, and the respective prices for which so sold; in which certificate shall be expressed the different sorts of flour, whether firsts, seconds or thirds, and the prices for which the same shall be respectively sold; and said lord mayor, and seneschals respectively shall from time to time, cause entries to be made of such returns in books kept for the purpose; and to which all persons at reasonable hours may have recourse without fee or reward.

returns entered,

recourse thereto without fee.

On neglect or false return, 5l.

XII. *sect.* 12. If any clerk of said markets, or other person legally authorized to make such certificates and returns, shall wilfully neglect or omit to make such returns and certificates, or knowingly make any false return or certificate, every person so offending, shall, upon conviction upon oath before said magistrates within their jurisdictions, forfeit and pay for every such offence, any sum not exceeding five pounds, as such magistrate, before whom convicted, shall think fit to order; which forfeiture shall be applied in manner herein directed.

Weekly return by collector to lord mayor of quantity imported.

XIII. *sect.* 13. The collector of the port of Dublin, shall return every week to the lord mayor, an account of the quantity of wheat, flour, and meal of wheat imported each week into the port of Dublin, with the names of the respective persons importing.

And by factors, &c. on oath, of quantity imported or sent, and sold by them,

XIV. *sect.* 14. Every merchant, factor, or other persons who shall import wheat, flour, or meal of wheat into the port of Dublin, or to whom any meal or flour shall be consigned, or sent from any part of this kingdom, shall return weekly to the lord mayor, upon oath, or affirmation, if quakers, which oath or affirmation said lord mayor is impowered and required to administer, an account in writing of the respective quantities of wheat, meal, and flour of wheat by them imported, or sent to them from any part of this kingdom in each week, and also an account of the quantity of wheat, meal, and flour of wheat, distinguishing the different species of flour by them sold respectively during such week, and at what prices respectively; to which returns the respective merchants, factors, or other persons making the same shall sign their respective names, and the time of making the same;

distinguishing species and price, and sign returns and the times;

ſame; and in caſe the ſaid lord mayor ſhall ſuſpect the truth of ſuch returns, it ſhall be lawful to ſummon ſuch merchant, factor, or other perſon to attend before him, and to examine touching the truth of ſuch return, upon oath, or being quakers, upon affirmation; and in caſe any ſuch merchant, factor, or other perſon ſhall make a falſe return, or refuſe or wilfully neglect to make ſuch return, or obſtruct ſaid lord mayor in making ſuch ſearch, being convicted in manner herein mentioned, ſhall forfeit for every ſuch offence five pounds; recovered and applied as herein mentioned.

lord mayor may ſummon and examine truth of returns: for neglect or falſe return, or obſtructing ſearch, 5l.

XV. *ſect.* 15. Said lord mayor ſhall cauſe entries of all ſuch returns, and alſo of the middle price of wheat, having reſpect not only to the price of all wheat, meal, and flour of wheat ſold in ſaid markets, but alſo of all wheat, meal, and flour of wheat ſold by the merchant, factor, or other perſon importing, or to whom ſent from any part of this kingdom, to be made weekly in books kept at the tholſel or market houſe for that purpoſe, and to which all perſons at ſeaſonable hours, may have recourſe without paying any fee or reward.

Entries of returns and of middle price of wheat kept at Tholſel and reſorted to.

XVI. *ſect.* 16. Said lord mayor and ſeneſchals ſhall, from time to time, aſcertain within their juriſdictions, the aſſize and weight of houſehold bread, according to the table of aſſize hereunto annexed, having reſpect to the middle price of wheat and middle price of flour, and to make ſuch allowance to the baker as they ſhall think fit, not leſs than eleven ſhillings each quarter.

Aſſize and weight of houſhold bread by the table annexed, reſpecting middle price of wheat and flour, allowance to bakers not under 11s. a quarter.

XVII. *ſect.* 17. When any aſſize ſtruck by ſaid lord mayor and ſeneſchals within their juriſdictions, purſuant to directions of this act, and publiſhed as directed by an act 1 G. 2. every baker or ſeller of bread, who ſhall act contrary to the orders for ſuch aſſize ſo ſtruck and publiſhed, ſhall, upon conviction in manner in ſaid act mentioned, be ſubject to like penalties; recovered and applied in ſame manner, as inflicted by ſaid act upon perſons baking or ſelling bread contrary to directions of ſaid act.

When aſſize ſtruck and publiſhed as by 1 G. 2. c. 16. bakers acting contrary, ſubject to penalties therein.

XVIII. *ſect.* 18. In caſe the lord mayor and ſeneſchals reſpectively in ſtriking ſuch aſſize, ſhall find it will raiſe the price of bread to take flour into the aſſize, they ſhall reſpectively ſtrike the aſſize upon the middle price of wheat only; but if they ſhall find the price of bread will be leſſened by taking flour into the aſſize, the aſſize ſhall be ſtruck according to the middle price both of wheat and the medium price of all kinds of flour brought to the market taken together; and twenty eight ſtone and a half of ſuch flour ſhall be deemed equal to a quarter of wheat.

If bread raiſed by taking flour into aſſize, ſtruck on middle price of wheat only; if leſſened, ſtruck by middle price of wheat and medium of all kind of flour in market together; 28 ſtone and a half equal to a quarter of wheat.

XIX. *ſect.* 19. The ſeveral laws now in force relative to the aſſize of bread ſo far only as inconſiſtent with this preſent act, repealed; and in caſe any perſon ſued or otherwiſe impeached for any thing done in execution of this act, defendant may plead the general iſſue, and give the ſpecial matter in evidence; and if a verdict ſhall paſs for defendant, or plaintiff non-ſuited, or judgment for defendant in ſuch ſuit, ſuch defendant ſhall recover treble coſts.

Laws as to bread aſſize repealed only where inconſiſtent with this; general iſſue, and ſpecial matter in evidence; treble coſts to defendants on non-ſuit, &c.

XX. *ſect.* 20. The ſeveral penalties and forfeitures before mentioned, except as herein before otherwiſe provided, ſhall be recovered upon conviction by confeſſion, or by the oath, or (if the perſon be of the people called quakers) by affirmation of one or more credible witneſſes, before ſaid lord mayor or ſaid ſeneſchals, within their reſpective juriſdictions; levied by diſtreſs upon

Penalties except otherwiſe directed, recovered before lord mayor or ſeneſchals;

levied by diſtreſs; forfeitures to the poor.

on the goods and chattles of every ſuch offender, by warrant from ſaid lord mayor or ſeneſchals reſpectively, before whom ſuch conviction ſhall be, returning overplus: ſaid forfeitures to be diſtributed amongſt the poor, as ſaid lord mayor or ſeneſchals reſpectively ſhall direct.

Proſecution in 3 months.

XXI. *ſect.* 21. No perſon ſhall be proſecuted for any offence againſt this act, unleſs ſuch proſecution commenced within three calendar months after.

French rolls excepted.

XXII. *ſect.* 22. Nothing herein ſhall be conſtrued to prohibit the baking or ſelling French rolls, in ſuch manner as has been accuſtomed.

On oath of loaf being of equal weight with the reſt when put into oven, or proper weight, no fine for deficiency if good in other reſpects;

XXIII. *ſect.* 23. If any loaf, after it has come out of the oven, ſhall not be of the proper weight, and it ſhall appear by oath or oaths of any journeyman, or other credible witneſſes, before the lord mayor, the chief magiſtrate or magiſtrates, juſtice or juſtices of peace, and ſaid ſeneſchals within their reſpective liberties, that ſuch loaf was, at the time the ſame was put into the oven, of equal weight with any other loaf of the ſame kind of bread baked at ſame time, and in ſame oven, and which ſhall appear to have the due and proper weight ſuch loaf ought to have, there ſhall be no fine paid for the deficiency of ſuch loaf, in caſe the ſame ſhall be good bread in every other reſpect; but the ſame ſhall and may be forfeited, at diſcretion of the lord mayor, or chief magiſtrate or magiſtrates, juſtice or juſtices, and ſeneſchals, within their reſpective liberties.

forfeited at diſcretion.

1 G. 2. c. 16. and 29 G. 2. c. 11. ſo far as not altered, and this act, continued 2 years, &c. from 1 Aug. 1774.

XXIV. *ſect.* 24. Said recited act, ſo far as not hereby altered, and alſo one other act 29 G. 2. intitled, *An act for reviving and amending the ſeveral acts therein mentioned*, ſo far as ſaid acts relate to regulating the price and the ſize of bread, and regulating the markets, except ſuch parts thereof as not hereby altered, and alſo this act, ſhall be and continue in full force from firſt of Auguſt 1774, for two years, and from thence to the end of then next ſeſſion, and no longer.

13 & 14 G. 3. c. 47. ſ. 4. recited,

and penalties by 1 G. 2. c. 16.

white and houſehold bread only made or ſold in Dublin or liberties;

lord mayor and ſeneſchals to aſcertain aſſize and weight of wheat bread, as by table 1 G. 2. c. 16. reſpecting middle price of wheat and flour;

allowance to baker not under 11s. per quarter;

penalties as by ſaid act.

XXV. *Stat.* 15 & 16 *Geo.* 3. *cap.* 22. *ſect.* 1. Whereas by an act laſt ſeſſion, if any perſon make, or bake for ſale, or ſell or expoſe to ſale, within the city of Dublin, or liberties, any loaf or loaves of wheaten or white bread, ſave of the reſpective avoirdupoiſe weights therein mentioned, the perſon ſo offending, and convicted, ſhall forfeit penalties inflicted by an act firſt George the ſecond: and numberleſs frauds and impoſitions have been practiſed on the publick, notwithſtanding the moſt vigilant attention of the magiſtrate; from the twenty fourth of June 1776, no perſon ſhall make for ſale, ſell, or expoſe to ſale, in the city of Dublin, or liberties adjoining, any ſort of bread other than white and houſehold; and the lord mayor and ſeneſchals ſhall from time to time, aſcertain within their juriſdictions the aſſize and weight of ſaid white bread, according to the table annexed to ſaid act firſt of George the ſecond, for white bread, having reſpect to the middle price of wheat and of flour; and to make ſuch allowance to the baker as they ſhall think fit, not leſs than eleven ſhillings for each quarter; and ſaid aſſize ſhall be publiſhed, and bakers and ſellers of bread, who act contrary, ſhall be puniſhed in manner in ſaid act mentioned, and ſubject to like penalties, recovered and applied in ſame manner as inflicted by ſaid act upon perſons baking or ſelling contrary to ſaid act; any thing in the act of laſt ſeſſion to the contrary notwithſtanding.

XXVI. *ſect.*

XXVI. *ſect.* 2. Provided nothing herein ſhall prohibit baking and ſelling French rolls, as has been accuſtomed. — French rolls as uſual.

XXVII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 17. *ſect.* 1. Whereas the preſent table for aſſize of bread is confeſſedly inaccurate, as ſtating the produce of the quarter of wheat higher than found to be by moſt accurate experiments; from whence a neceſſity ariſes of impowering the magiſtrate to vary allowance to the baker, as the price of wheat and flour varies; which creates much trouble to the magiſtrate, and frequent diſputes between him and the baker: and it is therefore expedient to aſcertain as near as may be, the juſt quantity a quarter of wheat ſhall be ſuppoſed to produce, and to fix a certain reaſonable allowance to the baker, which ſhall never vary, except when the increaſe of his neceſſary expences in baking may require: from 24th June 1778, the weight of all houſehold and white bread, inſtead of being regulated by the table of aſſize annexed to the ſaid act, ſhall be regulated by the table annexed to the preſent; in which the value of a quarter of wheat, after deducting the miller's toll, is in houſehold bread ſtated at thirty ſeven ſtone ſeven pounds; and twenty eight ſtone and an half of all kinds of flour, bought by bakers, ſhall be deemed equal to ſaid quarter of wheat; and by the ſame table all white bread ſhall weigh two thirds of houſehold of ſame price, and the magiſtrate ſhall give an allowance of ten ſhillings only on ſaid quarter.

Recital.

Houſhold and white bread as by this table, inſtead of 13 & 14 G. 3 c. 47. wheat deducting toll, 37 ſtone 7lb. per quarter in houſe-hold; 28 ſtone and half of all flour equal thereto:

white 2 thirds of houſehold of ſame price, allowance 10s. per quarter.

XXVIII. *ſect.* 2. For remedy of the great diſtreſſes and inconveniencies in Dublin and the liberties from combinations and other licentious practices of journeymen of the baking trade, any journeyman baker refuſing to work with, or who ſhall quit ſervice, on account of his employer having one or more apprentices, or ſhall abſent himſelf, or quit the ſervice of his employer, without giving one week's notice of his intention, or guilty of entering into any combination againſt any maſter bakers, or other perſon concerned in ſaid trade, or any journeyman baker, who ſhall wilfully or maliciouſly damage, adulterate, or deſtroy materials or property of his employer, ſhall, upon due proof by oath of one or more credible witneſſes before the lord mayor, or other magiſtrate of Dublin, or liberties, be fined not exceeding five pounds, or impriſonment not exceeding one month, at diſcretion of the magiſtrate before whom ſuch proofs made; and any maſter baker within the ſaid city or liberties, who ſhall employ any journeyman baker, within ſix months after ſuch conviction ſhall, upon due proof, be fined ten pounds, recovered and applied, as by an act 1 Geo. 2. *for regulating the price and aſſize of bread, and the markets.*

Journeymen bakers refuſing to work, abſenting, or quitting ſervice without one week's notice, or combining, or damaging materials, fined not above 5l. or impriſoned not above one month;

maſter employing in 6 months after conviction, fined 10l. as by 1 G. 2 c. 16.

XXIX. *ſect.* 3. Whereas diverſe frauds are often practiſed by ſelling, or offering to ſale, wheat, rye, meſlin, peas, beans, barley, bere, oats, ſhillin, cutlings, meal, flour, and malt, by ſpoiling and adulterating, or producing to view a ſpecies of ſuch corn, grain, malt, meal, or flour of a quality ſuperior to the bulk offered; if any ſell, or offer to ſale, any of ſaid ſorts of corn, grain, malt, meal, or flour, in the whole, or in part, ſpoiled or adulterated by wetting or mixing any ſand, gravel, dirt, rotten or damaged corn, grain, malt, meal, or flour, grown or blighted corn, or other kind of ſtuff, or which ſhall not be in quality of equal goodneſs to that produced to view, or uſe any other fraud or deceit therein, or to make ſuch corn, grain, malt, meal, or flour appear heavier than it would have been

Selling Corn, &c. adulterated, or not equal to that produced to view, or other fraud on buyer, forfeited with 40s. to informer and poor, or committed not above 3 weeks.

been without ſuch mixture, fraud or deceit; every perſon, lawfully convicted by oath of one credible witneſs before any juſtice of peace, ſhall, for every ſuch offence forfeit all ſuch corn, grain, malt, meal, or flour; one half to informer, the other to the uſe of the poor of the pariſh where offence committed, and alſo forty ſhillings, by diſtreſs and ſale of ſuch offenders goods; one moiety to the informer, the other to the poor of the pariſh; and in caſe no ſuch diſtreſs can be had, every ſuch offender ſhall, by warrant under hand and ſeal of ſuch juſtice, be ſent to houſe of correction, to be whipped and kept to hard labour, not exceeding three weeks, as ſuch juſtice ſhall direct.

13 & 14 G. 3. c. 47. and 15 & 16 G. 3. c. 22. except as amended, continued 2 years &c. from 24 June, 1778.

XXX. *ſect.* 4. Said act, and one other act for amending in fifteenth and ſixteenth of his preſent majeſty, and every clauſe in both, except as herein amended, ſhall continue two years, from 24th June 1778, and to end of the next ſeſſion.

A TABLE

A

TABLE

Of the ASSIZE of BREAD,

In Pounds, Ounces, and Drachms, Avoirdupoise Weight.

Note. The Ounce is divided into Eight Drachms, calculated upon the real Produce of one Quarter of Wheat, *viz.* Thirty-seven Stone Seven Pounds.

Price of one Quarter.			Penny Loaf.				4 penny Loaf.				6 Penny Loaf.				12 Penny Loaf.			
l.	s.	d.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.
1	10	0					5	13	2	2/3	8	12	0		17	8	0	1/1
1	10	6					5	11	6	5/7	8	9	5	19/21	17	3	0	17/21
1	11	0					5	10	2	1/21	8	7	3	17/21	16	14	7	13/21
1	11	6					5	8	7	1/6	8	5	2	2/3	16	10	5	1/3
1	12	0					5	7	4		8	3	2		16	6	4	0
1	12	6					5	6	1	1/3	8	1	1	11/15	16	2	3	1/7
1	13	0					5	4	6	26/35	7	15	2	9/21	15	14	4	11/21
1	13	6					5	3	4	26/35	7	13	2	8/21	15	10	5	5/21
1	14	0					5	2	2	3/7	7	11	1	31/35	15	7	0	1/7
1	14	6					5	1	1	2/3	7	9	0	30/35	15	3	5	3/7
1	15	0					5	0	0		7	8	0	1/14	15	0	0	0
1	15	6					4	14	6	29/35	7	6	2	7/21	14	12	4	5/21
1	16	0					4	13	6	3/5	7	4	1	23/42	14	9	2	3/7
1	16	6					4	12	5	5/14	7	3	0	29/35	14	6	1	1/7
1	17	0					4	11	5	1/35	7	1	4	3/7	14	3	0	3/7
1	17	6					4	10	5	1/3	7	0	0		14	0	0	0

Bakers and Bread.

Price of one Quarter.			Penny Loaf.				4 Penny Loaf.				6 Penny Loaf.				12 Penny Loaf.			
l.	s.	d.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.
1	18	0					4	9	5	9/19	6	14	4	4/12
1	18	6					4	8	5	7/7	6	13	0	5/7
1	19	0					4	7	6	14/19	6	11	5	7/13
1	19	6					4	6	7	7/9	6	10	2	5/9
2	0	0					4	6	0		6	9	0	
2	0	6					4	5	1	7/11	6	7	5	1/27
2	1	0					4	4	2	14/11	6	6	3	
2	1	6					4	3	3	6/13	6	5	1	5/13
2	2	0					4	2	5	1/3	6	4	0	
2	2	6					4	1	7	1/17	6	2	6	10/17
2	3	0					4	1	0	10/13	6	1	5	7/13
2	3	6					4	0	2	9/17	6	0	4	1/17
2	4	0					3	15	5	1/11	5	15	3	7/11
2	4	6					3	14	7	1/27	5	14	3	1/18
2	5	0					3	14	1	3/4	5	13	2	2/3
2	5	6					3	13	4	13/37	5	12	2	1/3
2	6	0					3	12	7	8/9	5	11	3	2/3
2	6	6					3	12	1	7/13/28	5	10	2	8/13/27
2	7	0					3	11	4	4/17	5	9	2	4/17
2	7	6					3	10	7	11/19	5	8	3	7/19
2	8	0					3	10	2	2/3	5	7	4	
2	8	6					3	9	5	8/37	5	6	4	7/9/5
2	9	0					3	9	1	1/7	5	5	5	5/7
2	9	6					3	8	4	14/33	5	4	6	2/6/33
2	10	0					3	8	0		5	4	0	
2	10	6					3	7	3	5/7/101	5	3	1	3/5/101
2	11	0					3	6	7	11/5/1	5	2	2	1/4/17
2	11	6					3	6	2	9/8/103	5	1	4	4/4/103
2	12	0					3	5	6	10/13	5	0	6	2/13
2	12	6					3	5	2	2/3	5	0	0	
2	13	0					3	4	6	3/4/5/3	4	15	1	5/1/5/3
2	13	6					3	4	2	1/7/4/7	4	14	4	1/4/107
2	14	0					3	3	6	2/2/7/7	4	13	6	2/9
2	14	6					3	3	3	1/1/3/8	4	13	0	5/6/109
2	15	0					3	2	7	3/11/67	4	12	2	1/10/11
2	15	6					3	2	3	1/17	4	11	5	1/5/37
2	16	0					3	2	0	52	4	11	0	
2	16	6					3	1	4	1/13	4	10	2	7/8/113
2	17	0					3	1	0	5/6/7	4	9	5	1/9/19
2	17	6					3	0	2	1/6/15	4	9	0	4/4/115
2	18	0					3	0	2	6/3	4	8	3	2/9/39
2	18	6					2	15	6	1/6/17	4	7	6	1/4/39
2	19	0					2	15	3	3/9/3	4	7	1	2/9/3
2	19	6					2	15	0	8/17	4	6	4	1/2/17

							12 Penny Loaf.			
							lb.	oz.	dr.	pts.
							13	13	0	8/19
							13	10	1	3/5/7/7
							13	7	3	1/13
							13	4	5	2/7/2
							13	2	0	
							12	15	3	7/2/7
							12	12	7	1/2/11
							12	10	3	2/3/3
							12	8	0	
							12	5	5	3/17
							12	3	2	3/4/2/3
							12	1	0	7/8/7
							11	14	7	3/11
							11	12	6	10/19
							11	10	5	1/13
							11	8	4	1/2/13
							11	6	6	1/4/2/3
							11	4	5	1/5/3/7
							11	2	5	1/17/17
							11	0	6	1/4/19
							10	15	0	
							10	13	1	5/5/3/7
							10	11	3	3/7
							10	9	5	1/0/3/3
							10	8	0	
							10	6	2	7/0/101
							10	4	5	1/1/17
							10	3	0	8/8/101
							10	1	4	4/13
							10	0	0	
							9	14	3	4/9/3
							9	13	0	8/101
							9	11	4	4/9
							9	10	1	3/103
							9	8	5	9/11
							9	7	2	2/0/37
							9	6	0	
							9	4	5	4/3/113
							9	3	2	1/8/19
							9	2	0	8/0/115
							9	0	6	1/8/39
							8	15	4	2/8/39
							8	14	2	5/8/3
							8	13	1	7/17

Price of one Quarter.			1 Penny Loaf.				4 Penny Loaf.				6 Penny Loaf.				12 Penny Loaf.			
l.	s.	d.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.
3	0	0					2	14	5		4	6	0		8	12	0	
3	0	6					2	14	2		4	5	3		8	10	7	
3	1	0					2	13	7		4	4	6		8	9	5	
3	1	6					2	13	4		4	4	2		8	8	4	
3	2	0					2	13	1		4	3	5		8	7	3	
3	2	6					2	12	6		4	3	1		8	6	2	
3	3	0					2	12	3		4	2	5		8	5	1	
3	3	6					2	12	0		4	2	2		8	4	0	
3	4	0					2	11	6		4	1	5		8	3	2	
3	4	6					2	11	3		4	1	0		8	2	1	
3	5	0					2	11	0		4	0	4		8	1	1	
3	5	6					2	10	5		4	0	0		8	0	1	
3	6	0					2	10	3		3	15	5		7	15	2	
3	6	6					2	10	0		3	15	1		7	14	2	
3	7	0					2	9	6		3	14	5		7	13	2	
3	7	6					2	9	3		3	14	1		7	12	3	
3	8	0					2	9	1		3	13	6		7	11	4	
3	8	6					2	8	7		3	13	2		7	10	5	
3	9	0					2	8	4		3	12	7		7	9	6	
3	9	6					2	8	2		3	12	3		7	8	6	
3	10	0					2	8	0		3	12	0		7	8	0	
3	10	6					2	7	5		3	11	4		7	7	1	
3	11	0					2	7	3		3	11	1		7	6	2	
3	11	6					2	7	1		3	10	5		7	5	3	
3	12	0					2	6	7		3	10	2		7	4	5	
3	12	6					2	6	4		3	9	7		7	3	6	
3	13	0					2	6	2		3	9	4		7	3	0	
3	13	6					2	6	0		3	9	1		7	2	2	
3	14	0					2	5	6		3	8	6		7	1	4	
3	14	6					2	5	4		3	8	3		7	0	6	
3	15	0					2	5	2		3	8	0		7	0	0	
3	15	6					2	5	0		3	7	5		6	15	2	
3	16	0					2	4	6		3	7	2		6	14	4	
3	16	6					2	4	4		3	6	7		6	13	6	
3	17	0					2	4	2		3	6	4		6	13	0	
3	17	6					2	4	1		3	6	1		6	12	3	
3	18	0					2	3	7		3	5	6		6	11	5	
3	18	6					2	3	5		3	5	4		6	11	0	
3	19	0					2	3	3		3	5	1		6	10	2	
3	19	6					2	3	1		3	4	6		6	9	5	
4	0	0					2	3	0		3	4	4		6	9	0	
4	0	6					2	2	6		3	4	1		6	8	2	
4	1	0					2	2	4		3	3	6		6	7	5	
4	1	6					2	2	2		3	3	4		6	7	0	

Price of one Quarter.			1 Penny Loaf.				4 Penny Loaf.				6 Penny Loaf.				12 Penny Loaf.			
l.	s.	d.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.
4	2	0					2	2	1	7/11	3	3	1	3/11	6	6	3	2/11
4	2	6					2	1	7	1/11	3	2	7	1/11	6	5	6	6/11
4	3	0					2	1	5	7/11	3	2	4	8/11	6	5	1	3/11
4	3	6					2	1	4	4/11	3	2	2	6/11	6	4	4	1/11
4	4	0					2	1	2	1/11	3	2	0		6	4	0	
4	4	6					2	1	1	5/11	3	1	5	10/11	6	3	3	4/11
4	5	0					2	0	7	9/11	3	1	3	5/11	6	2	6	10/11
4	5	6					2	0	5	12/11	3	1	0	5/11	6	2	1	5/11
4	6	0					2	0	4	2/11	3	0	6	8/11	6	1	5	7/11
4	6	6					2	0	2	5/11	3	0	4	11/11	6	1	0	1/11
4	7	0					2	0	1	8/11	3	0	2	8/11	6	0	4	8/11
4	7	6					2	0	0		3	0	0		6	0	0	
4	8	0					1	15	6	6/11	2	15	5	9/11	5	15	3	7/11
4	8	6					1	15	5	1/11	2	15	3	3/11	5	14	7	1/11
4	9	0					1	15	3	8/11	2	15	1	2/11	5	14	3	8/11
4	9	6					1	15	2	3/11	2	14	7	1/11	5	13	6	3/11
4	10	0					1	15	0	9/11	2	14	5	4/11	5	13	2	9/11
4	10	6					1	14	7	10/11	2	14	3	7/11	5	12	6	10/11
4	11	0					1	14	6	1/11	2	14	1	10/11	5	12	2	6/11
4	11	6					1	14	5	6/11	2	13	7	2/11	5	11	7	2/11
4	12	0					1	14	3	10/11	2	13	5	5/11	5	11	3	10/11
4	12	6					1	14	2	3/11	2	13	3	7/11	5	10	6	3/11
4	13	0					1	14	0	9/11	2	13	1	10/11	5	10	2	11/11
4	13	6					1	13	7	1/11	2	12	7	2/11	5	9	6	1/11
4	14	0					1	13	6	4/11	2	12	5	5/11	5	9	2	4/11
4	14	6					1	13	5	2/11	2	12	3	8/11	5	8	7	9/11
4	15	0					1	13	3	11/11	2	12	1	11/11	5	8	3	7/11
4	15	6					1	13	2	9/11	2	11	7	1/11	5	7	7	1/11
4	16	0					1	13	1	7/11	2	11	6		5	7	4	
4	16	6					1	13	0	4/11	2	11	4	10/11	5	6	0	10/11
4	17	0					1	12	6	10/11	2	11	2	9/11	5	5	4	9/11
4	17	6					1	12	5	8/11	2	11	0	8/11	5	5	1	3/11
4	18	0					1	12	4	7/11	2	10	6	7/11	5	5	5	8/11
4	18	6					1	12	3	5/11	2	10	5	3/11	5	5	2	4/11
4	19	0					1	12	2	3/11	2	10	3	11/11	5	4	6	2/11
4	19	6					1	12	1	2/11	2	10	1	10/11	5	4	3	7/11
5	0	0					1	12	0		2	10	0		5	4	0	

A TABLE

A

TABLE

Of ASSIZE for WHITE BREAD,

Calculated at 2--3 of the HOUSEHOLD ASSIZE.

Price.			2 Penny Loaf.			4 Penny Loaf.			6 Penny Loaf.			12 Penny Loaf.		
l.	s.	d	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.
1	10	0	1	15	$0\frac{7}{11}$	3	14	$1\frac{7}{9}$	5	13	$2\frac{8}{9}$	11	10	$5\frac{1}{3}$
1	10	6	1	14	$4\frac{7}{9}$	3	13	$1\frac{5}{9}$	5	11	$6\frac{1}{3}$	11	7	$4\frac{2}{3}$
1	11	0	1	14	$0\frac{5}{9}$	3	12	$1\frac{2}{3}$	5	10	$2\frac{1}{2}$	11	4	5
1	11	6	1	13	$4\frac{1}{2}$	3	11	1	5	8	$5\frac{7}{9}$	11	1	$3\frac{5}{9}$
1	12	0	1	13	$1\frac{1}{3}$	3	10	$2\frac{2}{3}$	5	7	4	10	15	$0\frac{1}{2}$
1	12	6	1	12	$5\frac{13}{18}$	3	9	$3\frac{4}{9}$	5	6	$1\frac{1}{3}$	10	12	$2\frac{2}{3}$
1	13	0	1	12	2	3	8	$4\frac{2}{3}$	5	4	$6\frac{2}{3}$	10	9	$5\frac{1}{3}$
1	13	6	1	11	$6\frac{8}{9}$	3	7	$5\frac{5}{9}$	5	3	$4\frac{1}{2}$	10	7	1
1	14	0	1	11	$3\frac{5}{9}$	3	6	7	5	2	$2\frac{2}{3}$	10	4	$5\frac{1}{3}$
1	14	6	1	11	$0\frac{2}{9}$	3	6	1	5	1	$1\frac{5}{9}$	10	2	$5\frac{1}{3}$
1	15	0	1	10	$5\frac{1}{3}$	3	5	$2\frac{2}{3}$	5	0	0	10	0	0
1	15	6	1	10	$2\frac{8}{9}$	3	4	$4\frac{8}{9}$	4	14	$6\frac{8}{9}$	9	13	$5\frac{2}{3}$
1	16	0	1	9	$7\frac{7}{9}$	3	3	$6\frac{7}{9}$	4	13	$6\frac{1}{3}$	9	11	$4\frac{1}{3}$
1	16	6	1	9	$4\frac{5}{9}$	3	3	1	4	12	$5\frac{5}{9}$	9	9	$3\frac{1}{3}$
1	17	0	1	9	2	3	2	4	4	11	$6\frac{1}{3}$	9	7	$4\frac{1}{3}$
1	17	6	1	8	7	3	1	6	4	10	$3\frac{1}{3}$	9	5	$2\frac{2}{3}$
1	18	0	1	8	$4\frac{4}{9}$	3	1	$0\frac{8}{9}$	4	9	$5\frac{1}{3}$	9	3	$2\frac{2}{3}$
1	18	6	1	8	$1\frac{17}{18}$	3	0	$3\frac{7}{9}$	4	8	$5\frac{5}{9}$	9	1	$3\frac{1}{3}$
1	19	0	1	7	$7\frac{4}{9}$	2	15	$6\frac{8}{9}$	4	7	$6\frac{1}{3}$	8	15	$4\frac{1}{3}$
1	19	6	1	7	5	2	15	2	4	6	7	8	13	6
2	0	0	1	7	$2\frac{2}{3}$	2	14	$5\frac{1}{3}$	4	6	0	8	12	0
2	0	6	1	7	$0\frac{5}{12}$	2	14	$0\frac{8}{9}$	4	5	$1\frac{1}{4}$	8	10	$2\frac{1}{4}$
2	1	0	1	6	6	2	13	$4\frac{2}{3}$	4	4	$2\frac{1}{3}$	8	8	$4\frac{1}{3}$
2	1	6	1	6	$3\frac{35}{36}$	2	12	$7\frac{17}{18}$	4	3	$3\frac{11}{12}$	8	6	$7\frac{1}{3}$

Bakers and Bread.

Price.			2 Penny Loaf.			4 penny Loaf.				6 Penny Loaf.				12 Penny Loaf.		
l.	s.	d.	lb.	oz.	dr.	lb.	oz.	dr.	pts.	lb.	oz.	dr.	pts.	lb.	oz.	dr.
2	2	0	1	6	1 7/9	2	12	3 5/9		4	2	5 1/3		8	5	2 2/3
2	2	6	1	5	7 2/3	2	11	7 1/3		4	1	7		8	3	6
2	3	0	1	5	5 1/18	2	11	3 2/9		4	1	0 5/6		8	2	1 2/3
2	3	6	1	5	3 11/18	2	10	7 2/9		4	0	2 5/6		8	0	5 2/3
2	4	0	1	5	1 2/3	2	10	3 1/3		3	15	5		7	15	2
2	4	6	1	4	7 2/3	2	9	7 1/3		3	14	7		7	13	6
2	5	0	1	4	5 5/6	2	9	3 2/3		3	14	1 1/2		7	12	3
2	5	6	1	4	4	2	8	8		3	13	4 1/3		7	11	0 2/3
2	6	0	1	4	2 1/2	2	8	5		3	12	7 1/4		7	9	7 1/2
2	6	6	1	4	0 1/2	2	8	1 1/6		3	12	1 1/4		7	8	3 1/2
2	7	0	1	3	6 5/6	2	7	5 2/3		3	11	4 1/2		7	7	1
2	7	6	1	3	5 1/6	2	7	2 1/3		3	10	7 1/2		7	5	7
2	8	0	1	3	3 5/9	2	6	7		3	10	2 3/4		7	4	5 1/2
2	8	6	1	3	1 7/8	2	6	3 8/9		3	9	5 5/6		7	3	3 1/2
2	9	0	1	3	0 1/3	2	6	0 2/3		3	9	1		7	2	2 1/2
2	9	6	1	2	6 7/9	2	5	5 1/4		3	8	4 1/3		7	1	0 1/2
2	10	0	1	2	5 1/3	2	5	2 2/3		3	8	0		7	0	0
2	10	6	1	2	3 5/6	2	4	7 1/3		3	7	3 1/2		6	14	7
2	11	0	1	2	2 7/18	2	4	4 7/9		3	6	7		6	13	6 1/2
2	11	6	1	2	0 17/18	2	4	1 8/9		3	6	2 5/6		6	12	5 1/2
2	12	0	1	1	7 17/18	2	3	7 1/6		3	5	6 3/4		6	11	5 1/2
2	12	6	1	1	6 2/3	2	3	4 1/3		3	5	2 2/3		6	10	5 1/3
2	13	0	1	1	4 5/6	2	3	1 1/3		3	4	6 1/2		6	9	5
2	13	6	1	1	3 5/9	2	2	7		3	4	2 1/3		6	8	5 1/3
2	14	0	1	1	2 5/18	2	2	4 5/9		3	3	6 5/6		6	7	5 1/3
2	14	6	1	1	1	2	2	2		3	3	3		6	6	6
2	15	0	1	0	7 3/4	2	1	7 1/2		3	2	7 1/4		6	6	6 1/2
2	15	6	1	0	6 1/2	2	1	5		3	2	3 1/2		6	5	7
2	16	0	1	0	5 1/3	2	1	2 2/3		3	2	0		6	4	7
2	16	6	1	0	4	2	1	0		3	1	4		6	3	7
2	17	0	1	0	2 2/3	2	0	5 1/18		3	1	0 7/8		6	2	1 3/4
2	17	6	1	0	1 5/6	2	0	3 1/3		3	0	5 1/2		6	1	3
2	18	0	1	0	0 4/11	2	0	1 4/9		3	0	2		6	0	4 1/3
2	18	6	0	15	7 1/18	1	15	7 1/4		2	15	6 7/8		5	15	5 3/4
2	19	0	0	15	6 1/2	1	15	5		2	15	3 1/8		5	14	7 1/2
2	19	6	0	15	5 1/24	1	15	2 1/3		2	15	0 3/4		5	14	0 3/4
3	0	0	0	15	4	1	15	0		2	14	5 1/3		5	13	2 2/3
3	0	6	0	15	3 1/2	1	14	7		2	14	2 1/2		5	12	5
3	1	0	0	15	2 7/8	1	14	4		2	13	7		5	11	6 1/3
3	1	6	0	15	1 4/9	1	14	2		2	13	4 1/3		5	11	0 3/4
3	2	0	0	15	0 7/8	1	14	0		2	13	1		5	10	2 2/3
3	2	6	0	14	7 7/8	1	13	6 4/5		2	12	6		5	9	4
3	3	0	0	14	6	1	13	5		2	12	3 1/2		5	8	7
3	3	6	0	14	5 5/9	1	13	3		2	12	0 3/4		5	8	13

Bakers and Bread.

Price.			2 Penny Loaf.			4 Penny Loaf.			6 Penny Loaf.			12 Penny Loaf.		
l.	s.	d.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.
3	4	0	0	14	4 2/3	1	13	11/3	2	11	6	5	7	4
3	4	6	0	14	3 3/4	1	12	7 1/2	2	11	3 1/2	5	6	6 1/2
3	5	0	0	14	2 7/8	1	12	5 3/4	2	11	0 1/2	5	6	1 1/2
3	5	6	0	14	1 15/16	1	12	3 15/16	2	10	5 7/8	5	5	3 3/4
3	6	0	0	14	1	1	12	2	2	10	3 1/2	5	4	6
3	6	6	0	14	0 5/16	1	12	0 5/8	2	10	0 3/4	5	4	1 1/4
3	7	0	0	13	7 3/8	1	11	6 3/8	2	9	6 1/4	5	3	4 1/2
3	7	6	0	13	6 1/16	1	11	5 1/8	2	9	3 1/16	5	2	7 3/4
3	8	0	0	13	5 3/16	1	11	3 1/16	2	9	1 1/16	5	2	2 3/8
3	8	6	0	13	4 5/16	1	11	1	2	8	5 1/16	5	1	3 1/16
3	9	0	0	13	4 1/16	1	11	0 1/16	2	8	4 1/16	5	1	1
3	9	6	0	13	3 1/16	1	10	6 1/16	2	8	2 1/16	5	0	4 1/16
3	10	0	0	13	2 1/16	1	10	5 1/16	2	8	0	5	0	0
3	10	6	0	13	1 1/16	1	10	3 1/16	2	7	5 1/16	4	15	3 1/16
3	11	0	0	13	1	1	10	2	2	7	3 1/16	4	14	6 1/16
3	11	6	0	13	0 1/16	1	10	0 1/16	2	7	1	4	14	2
3	12	0	0	12	7 1/16	1	9	7 1/16	2	6	7	4	13	6
3	12	6	0	12	7	1	9	6	2	6	5	4	13	2
3	13	0	0	12	6 7/16	1	9	4 5/16	2	6	2	4	12	5 1/16
3	13	6	0	12	5 7/16	1	9	3 1/16	2	6	0	4	12	1 1/16
3	14	0	0	12	4 7/16	1	9	1 1/16	2	5	6	4	11	5 1/16
3	14	6	0	12	4	1	9	0 1/16	2	5	4	4	11	1 1/16
3	15	0	0	12	3 1/16	1	8	7 1/16	2	5	2	4	10	5 1/16
3	15	6	0	12	2 1/16	1	8	5 1/16	2	5	0	4	10	1 1/16
3	16	0	0	12	2	1	8	4 1/16	2	4	6	4	9	5 1/16
3	16	6	0	12	1 1/16	1	8	3	2	4	4	4	9	1 1/16
3	17	0	0	12	0 1/16	1	8	1 1/16	2	4	2	4	8	5 1/16
3	17	6	0	12	0	1	8	0 1/16	2	4	1	4	8	2
3	18	0	0	11	7 1/16	1	7	7 1/16	2	3	7	4	7	6
3	18	6	0	11	7 1/16	1	7	7	2	3	5 1/16	4	7	3 1/16
3	19	0	0	11	6 1/16	1	7	4 1/16	2	3	3 1/16	4	6	6 1/16
3	19	6	0	11	5 1/16	1	7	3 1/16	2	3	1 1/16	4	6	2 1/16
4	0	0	0	11	5 1/16	1	7	2 1/16	2	3	0	4	6	0
4	0	6	0	11	4 1/16	1	7	1 1/16	2	2	6 1/16	4	5	5 1/16
4	1	0	0	11	4 1/16	1	7	0 1/16	2	2	4 1/16	4	5	1
4	1	6	0	11	3 1/16	1	6	7	2	2	2 1/16	4	4	5
4	2	0	0	11	3	1	6	6	2	2	1	4	4	2
4	2	6	0	11	2 1/16	1	6	5	2	1	7 1/16	4	3	7
4	3	0	0	11	1 1/16	1	6	3 1/16	2	1	5 1/16	4	3	3 1/16
4	3	6	0	11	1 1/16	1	6	3	2	1	4 1/16	4	3	1
4	4	0	0	11	0 1/16	1	6	1 1/16	2	1	1 1/16	4	2	5 1/16
4	4	6	0	11	0 1/16	1	6	0 1/16	2	1	1	4	2	2
4	5	8	0	10	7 15/16	1	5	7 1/16	2	0	7 1/16	4	1	7
4	5	6	0	10	7 1/16	1	5	6 1/16	2	0	6	4	1	4

Price.			2 Penny Loaf.			4 Penny Loaf.			6 Penny Loaf.			12 Penny Loaf.		
l.	s.	d.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.
4	6	0	0	10	$6\frac{7}{9}$	1	5	$5\frac{5}{9}$	2	0	$4\frac{1}{3}$	4	1	$0\frac{2}{3}$
4	6	6	0	10	$6\frac{1}{3}$	1	5	$4\frac{2}{3}$	2	0	3	4	0	6
4	7	0	0	10	$5\frac{5}{6}$	1	5	$3\frac{2}{3}$	2	0	$1\frac{1}{2}$	4	0	3
4	7	6	0	10	$5\frac{1}{3}$	1	5	$2\frac{2}{3}$	2	0	0	4	0	0
4	8	0	0	10	$4\frac{5}{6}$	1	5	$1\frac{2}{3}$	1	15	$6\frac{1}{2}$	3	15	5
4	8	6	0	10	$4\frac{1}{3}$	1	5	$0\frac{2}{3}$	1	15	5	3	15	2
4	9	0	0	10	$3\frac{5}{9}$	1	4	$7\frac{5}{6}$	1	15	$3\frac{1}{2}$	3	14	7
4	9	6	0	10	$3\frac{5}{12}$	1	4	$6\frac{8}{9}$	1	15	$2\frac{1}{4}$	3	14	$4\frac{1}{2}$
4	10	0	0	10	$2\frac{17}{18}$	1	4	$5\frac{5}{6}$	1	15	$0\frac{5}{6}$	3	14	$1\frac{1}{3}$
4	10	6	0	10	$2\frac{1}{2}$	1	4	5	1	14	$7\frac{1}{2}$	3	13	7
4	11	0	0	10	2	1	4	4	1	14	6	3	13	4
4	11	6	0	10	$1\frac{3}{8}$	1	4	$3\frac{4}{9}$	1	14	$5\frac{1}{6}$	3	13	$2\frac{1}{3}$
4	12	0	0	10	1	1	4	2	1	14	$3\frac{1}{4}$	3	12	$6\frac{1}{2}$
4	12	6	0	10	$0\frac{13}{18}$	1	4	$1\frac{4}{9}$	1	14	$2\frac{1}{6}$	3	12	$4\frac{1}{12}$
4	13	0	0	10	$0\frac{5}{18}$	1	4	$0\frac{5}{9}$	1	14	$0\frac{5}{6}$	3	12	$1\frac{1}{3}$
4	13	6	0	9	$7\frac{5}{6}$	1	3	$7\frac{2}{3}$	1	13	$7\frac{1}{2}$	3	11	7
4	14	0	0	9	$7\frac{7}{12}$	1	3	$7\frac{1}{6}$	1	13	$6\frac{3}{4}$	3	11	$5\frac{1}{2}$
4	14	6	0	9	7	1	3	6	1	13	5	3	11	2
4	15	0	0	9	$6\frac{7}{12}$	1	3	$5\frac{1}{6}$	1	13	$3\frac{3}{4}$	3	10	$7\frac{1}{2}$
4	15	6	0	9	$6\frac{1}{12}$	1	3	$4\frac{1}{3}$	1	13	$2\frac{1}{2}$	3	10	5
4	16	0	0	9	$5\frac{7}{9}$	1	3	$3\frac{5}{9}$	1	13	$1\frac{1}{3}$	3	10	$2\frac{2}{3}$
4	16	6	0	9	$5\frac{1}{3}$	1	3	$2\frac{2}{3}$	1	13	0	3	10	0
4	17	0	0	9	$4\frac{23}{24}$	1	3	$1\frac{1}{12}$	1	12	$6\frac{7}{8}$	3	9	$5\frac{3}{4}$
4	17	6	0	9	$4\frac{17}{24}$	1	3	$1\frac{1}{6}$	1	12	$5\frac{3}{4}$	3	9	$3\frac{1}{2}$
4	18	0	0	9	$4\frac{1}{6}$	1	3	$0\frac{1}{3}$	1	12	$4\frac{1}{2}$	3	9	1
4	18	6	0	9	$3\frac{5}{8}$	1	2	$7\frac{1}{4}$	1	12	$3\frac{3}{8}$	3	8	$6\frac{3}{4}$
4	19	0	0	9	$3\frac{5}{12}$	1	2	$6\frac{5}{6}$	1	12	$2\frac{1}{4}$	3	8	$4\frac{1}{2}$
4	19	6	0	9	3	1	2	6	1	12	$1\frac{1}{8}$	3	8	$2\frac{1}{4}$
5	0	0	0	9	$2\frac{3}{4}$	1	2	$5\frac{2}{3}$	1	12	0	3	8	0

XXXI. *Stat.* 17 & 18 *Geo.* 3. *cap.* 32. *ſect.* 1. After twenty fourth June one thouſand ſeven hundred and ſeventy eight all bread made or expoſed to ſale in county of Dublin, ſhall be made according to the manner and aſſize of bread ſtruck by lord mayor of Dublin for the city, and all meal and flour ſold in ſaid county, ſhall be ſold ſubject to ſame regulations and price, as ſettled by lord mayor for ſaid city: and no perſon whatſoever ſhall make for ſale, ſell or expoſe to ſale, any ſort of bread other than the ſeveral ſorts after mentioned, that is white and houſhold bread; all which ſeveral ſorts of bread ſhall be made in their ſeveral and reſpective degrees according to the goodneſs of the ſeveral ſorts of grain, whereof the ſame ought to be made, and the aſſize and weight of ſaid white and houſhold bread made of wheat, ſhall be according to the weekly price and aſſize by lord mayor of Dublin for ſaid city.

Bread for ſale in county Dublin made by aſſize for city, meal and flour by ſame regulations, white and houſhold only ſold, according to the grain, and weekly aſſize.

XXXII. *ſect.* 2. Every common baker, and perſon who ſhall make or bake bread for ſale, or any ways expoſe to ſale, any ſort of bread whatſoever in county of Dublin, ſhall, after twenty fourth of June one thouſand ſeven hundred and ſeventy eight, fairly imprint or mark, or cauſe to be, on every loaf the quality and name of baker according to the rules and aſſize as directed to be obſerved in city of Dublin by the lord mayor; and if any baker or perſon making bread for ſale, or expoſing to ſale, ſhall bake, make, or ſell, or expoſe any bread deficient in weight, according to the aſſize ſet purſuant to this act, or ſuch other rules and orders as from time to time made as aforeſaid, ſo offending, being lawfully convicted, ſhall forfeit five ſhillings; and for not being marked as aforeſaid, two ſhillings and ſix pence for each loaf; ſuch bread being complained of and weighed before a magiſtrate, or juſtices, or any ſeneſchals within their juriſdictions, within forty eight hours after baked, or expoſed to ſale, within the county of Dublin; all which penalties ſhall be recovered upon conviction by confeſſion, or oath of one or more credible witneſſes, before any magiſtrate, juſtice of peace of county of Dublin, or any of the ſeneſchals in their juriſdictions within ſaid county; to be levied by diſtreſs upon goods and chattles of every ſuch offender by warrant under hand and ſeal of ſuch magiſtrate, juſtice, or ſeneſchal, returning overplus.

Baker in Dublin county to mark the quality and name as by the aſſize,

ſelling deficient in weight 5s.

not marked 2s. 6d. each loaf;

on complaint and weighing before magiſtrate in 48 hours,

penalties recovered on conviction by diſtreſs on warrant.

XXXIII. *ſect.* 3. Provided any perſon ſo convicted, aggrieved, may appeal in writing to next general quarter ſeſſions for ſaid county, where heard in a ſummary manner, and finally determined; and if the perſon ſo appealing ſhall not make good appeal, or proſecute it with effect, ſaid court of ſeſſions ſhall award ſuch coſts, as they think proper and reaſonable, not exceeding five pounds, and commit offender to common gaol of the county, until payment of ſaid coſts, and alſo penalty adjudged on conviction.

Appeal to next ſeſſion,

coſts not above 5l. and impriſonment till paid.

XXXIV. *ſect.* 4. If any baker or ſeller of bread put into any bread, by him ſold, or expoſed to ſale, any mixture of any other grain than what appointed by aſſize ſettled as aforeſaid; every ſuch perſon ſhall, for every ſuch offence forfeit five ſhillings, to be had and recovered in manner and form before mentioned; and if any magiſtrate, juſtice or ſeneſchal, ſhall, on due information of any offences againſt this act, wilfully and willingly omit performance of his duty thereupon or neglect to pay penalties or forfeitures when levied, to treaſurer of the infirmary of the county of Dublin, he ſhall forfeit five pounds ſterling, to be recovered by civil bill before the chairman and juſtices at general quarter ſeſſions for the county of Dublin.

Mixture of other grain 5l.

magiſtrate neglecting duty, or to pay penalties levied to infirmary 5l. by civil bill.

XXXV. *ſect.* 5. It ſhall be lawful for any magiſtrate, juſtice or ſeneſchal, within juriſdictions in county of Dublin, during this act, to enter in day-time

Entry by day to ſearch, view, and weigh bread,

1. Stat.

time into any houſe, ſhop, ſtall, bake-houſe, ware-houſe, or out-houſe of or belonging to any baker or ſeller of bread, to ſearch for, view, weigh, or try all or any bread of ſuch perſon or perſons as there found; and if any found deficient either in goodneſs of materials or in due baking or working, or in due weight, or not truly marked according to this act, or of any other ſort than allowed by this act, ſuch magiſtrate, juſtice or ſeneſchals, are reſpectively impowered to take and ſeize ſaid bread and cauſe the ſame to be forthwith given and diſtributed to poor of the pariſh where ſuch ſeizure made, or to the debtors in county gaol at diſcretion; and if any baker or ſeller of bread, or other perſon, ſhall not permit ſuch ſearch or ſeizure to be made, or ſhall oppoſe, hinder, or reſiſt the ſame, ſo offending ſhall for every ſuch offence forfeit forty ſhillings, recovered in the ſummary manner and form before mentioned for puniſhing bakers in not obſerving weight of their bread.

deficient, ſeized for the poor of pariſh or gaol debtors,

reſiſting ſearch 40s. recovered as for undue weight.

Clerk of peace for Dublin county to read this act 1ſt day every quarter-ſeſſions, penalty 40s.

XXXVI. *ſect.* 6 After 24th June 1778, clerk of the peace for county of Dublin, or in his abſence his deputy, ſhall read this act in open court on the firſt day of every general quarter ſeſſion for ſaid county; and in caſe of failure ſaid clerks ſhall forfeit forty ſhillings, to be ſued for and recovered as other penalties before mentioned.

Penalties to county hoſpital.

XXXVII. *ſect.* 7. All penalties herein ſhall be paid to treaſurer of county of Dublin hoſpital, for uſe of the hoſpital; and the treaſurer ſhall keep a fair and diſtinct account.

No other proſecution.

XXXVIII. *ſect.* 8. Provided no perſon puniſhed by this act ſhall be for the ſame offence proſecuted on any other law, ſtatute, uſage, or cuſtom whatſoever.

General iſſue, and treble coſts to defendant on non-ſuit, &c.

XXXIX. *ſect.* 9. In caſe any perſon ſued or proſecuted for any thing in execution of this act, the defendants may plead general iſſue, and give the ſpecial matter in evidence; and if a verdict paſs for defendant or plaintiff non-ſuited, or judgment for defendant, ſuch defendant ſhall recover treble coſts.

Continuance two years, &c.

XL. *ſect.* 10. Provided this act ſhall continue in force two years, from 24th June 1778, and until the end of the then next ſeſſion after ſaid two years.

17 & 18 G. 3. c. 32. continued 2 years and to end of then next ſeſſion.

XLI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 15. *ſect.* 3. An act ſeventeenth and eighteenth of his majeſty, for regulating price and aſſize of bread, and preventing frauds in ſale of articles by weight or meaſure, further continued for two years, and to end of then next ſeſſion.

17 & 18 G. 3. c. 17. continued 2 years and to end of the then ſeſſion, and 2 years, &c. from 24 June 1780, by 19 and 20 G. 3. c. 21. ſ. 3.

XLII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 15. *ſect.* 2. An act ſeventeenth and eighteenth of his Majeſty, to amend and continue an act in the thirteenth and fourteenth for regulation of the baking trade in Dublin, which is to continue two years from twenty fourth June, one thouſand ſeven hundred and ſeventy eight, and to end of the next ſeſſion, further continued for two years, and to the end of the then ſeſſion.

13 & 14 G. 3. c. 47. ſ. 18. recited.

XLIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 21. *ſect.* 1. Whereas by an act thirteenth and fourteenth of his Majeſty for regulation of baking-trade in Dublin, in caſe lord mayor and ſeneſchals in ſtriking aſſize find it will raiſe bread to take flour into aſſize, they ſhall ſtrike upon middle price of wheat only; but if leſſened, aſſize ſhall be ſtruck according to middle price of wheat and medium

dium of all kinds of flour brought to market, and twenty-eight ſtone and a half of ſuch flour deemed equal to a quarter of wheat: Now, whereas by accurate accounts of flour and wheat bought in market by bakers, this mode is unequal with reſpect of bakers; from twenty fourth Auguſt, one thouſand ſeven hundred and eighty, lord mayor and ſeneſchals ſhall ſtrike aſſize according to middle price of wheat and medium of all kinds of flour (brought to market of Dublin, and ſold to bakers) taken together, and of which flour twenty eight ſtone and a half ſhall be deemed to a quarter of wheat.

aſſize thereby unequal as to bakers, aſſize ſtruck by middle price of wheat and of all flour brought to Dublin market and ſold to bakers, 28 ſtone and ½ to quarter of wheat.

XLIV. *ſect.* 2. To prevent unfair practice, if reaſon to ſuſpect combination to raiſe bread, it ſhall be lawful for lord mayor, with concurrence of preſident of court of conſcience, and repreſentatives of city of Dublin, or any two, and in conſequence for ſaid ſeneſchals, to revert to the mode of entry directed by ſaid recited clauſe.

On ſuſpicion of practice to raiſe bread, lord mayor with preſident of court of conſcience, & the 2 members, or any 2 and ſeneſchals may revert to the mode by ſaid act.

XLV. *ſect.* 3. Said in part recited act, and one other for amending, paſſed ſeventeenth and eighteenth of his majeſty, together with this act, and every clauſe in ſaid acts, except as herein amended, ſhall continue two years from twenty-fourth June, one thouſand ſeven hundred and eighty, and unto end of then next ſeſſion.

13 & 14 G. 3. c. 47, and 17 & 18 G. 3. c. 17. and this act, ſave as herein amended, continued 2 years from 24 June 1780, and to end of then next ſeſſion.

XLVI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 42. *ſect.* 1. To regulate manufacture of bread in the city of Cork, and prevent unfair practices to oppreſſion of the poor; after the firſt September one thouſand ſeven hundred and eighty no perſon ſhall make or bake for ſale, or ſell, or expoſe any bread within ſaid city or liberties, unleſs ſuch perſon firſt regiſter his name and abode in ſome book kept by the mayor, in which ſhall be alſo expreſſed the reſpective times of making ſuch entries.

None ſhall bake or ſell bread in Cork till regiſtry of name and abode in mayor's book, expreſſing time of entry.

XLVII. *ſect.* 2. No perſon ſhall be regiſtered unleſs he or ſhe ſhall ſwear, or being quakers affirm, in the following manner:

Oath before mayor previous to regiſtry and affidavit.

I A. B. *do ſwear, (or ſolemnly affirm, as the caſe ſhall require) that I will not enter into any unlawful combination whatſoever to raiſe the price of bread, or of corn, meal, or flour, or into any unlawful combination not to bake; and that I will not knowingly make, bake, or ſell, or permit to be made, baked, or ſold, for my uſe, any bread, in which any other ingredient or mixture ſhall be put, ſave only the genuine flour or meal of the grain, and ſalt, water, barm, or yeaſt, or eggs, or milk.*

Which oath the mayor is impowered and required to adminiſter.

XLVIII. *ſect.* 3. If any make or bake for ſale, or ſell or expoſe any bread within the ſaid city or liberties without having been regiſtered, and having taken the oath, or affirmation, being thereof convicted in manner herein after, ſhall for every ſuch offence forfeit five pounds, paid to governors of work-houſe of ſaid city, together with the forfeiture of the bread, which the mayor, or any one or more of the market-jury of ſaid city, are impowered to ſeize, which bread ſhall be given to poor of the pariſh wherein ſeized:

Baking or ſelling without ſuch affidavit, &c. to forfeit 5l. to the work-houſe, and the bread ſeized and given to pariſh poor.

XLIX. *ſect.* 4. No perſon, except a common baker, who ſhall be regiſtered, and take the oath or affirmation, ſhall expoſe to ſale in Cork, or ſuburbs or liberties, any bread, except halfpenny and penny rolls, on pain that ſuch perſon and the baker, employing to ſell, ſhall reſpectively forfeit two ſhillings and ſix pence for each offence, to be recovered as other forfeitures in this act, one moiety to informer, the other to poor of the pariſh.

None, except common baker regiſtered and taking the oath, ſhall ſell any bread except rolls, penalty on ſeller and baker reſpectively 2s 6d. to informer and poor.

Bakers of white, wheaten, or houſhold ſhall mark the baker's name and number of pounds on every loaf,

if not ſo marked, or if deficient by aſſize 1 G. 2. c. 16. puniſhed as in ſaid act where deficient.

If real baker's name, not ſo marked, forfeit 20s.

Bread not ſo marked may by day be ſeized by perſons authoriſed, and carried to the mayor,

if ſo found, forfeited to ſeizor, or the poor, or as by the magiſtrate directed.

Mayor, or one of market jury may by day enter baker's houſe, &c. and ſearch ingredients, and weigh and try the bread,

if ſuch as not allowed are uſed, ſeized, and diſpoſed of by mayor,

and perſon, in whoſe cuſtody, impriſoned not above 20 days.

Obſtructing ſearch forfeit 5l. to work-houſe.

Forfeitures, except otherwiſe provided, recovered on conviction before mayor.

levied by diſtreſs on his warrant,

to the poor.

Proſecution in 3 months.

French rolls baked and ſold as uſual.

Defendant may plead general iſſue, and give ſpecial matter in evidence, and recover treble coſts.

Continued 2 years from 1ſt September 1780, and to end of next ſeſſion.

L. *ſect.* 5. Perſons who ſhall make or bake for ſale, or ſell or expoſe within ſaid city, or liberties, any ſort of white, wheaten, or houſhold, ſhall from time to time cauſe to be fairly imprinted on every loaf the name of baker, and number of pounds ſuch loaf ſhall weigh; and every perſon who ſhall ſo bake for ſale, or ſell or expoſe any loaf not ſo marked, or any bread deficient in weight according to aſſize preſcribed by an act firſt George the ſecond, ſhall in either of ſaid caſes upon conviction according to methods by ſaid act be puniſhed in ſuch manner, and under ſuch penalties, regulations, and allowances, as in ſaid act, where bread is deficient in weight.

LI. *ſect.* 6. If any bake for ſale, or ſell, or expoſe within ſaid city or liberties, any loaf of ſuch bread, on which the real name of the perſon, who baked, not marked, being convicted in manner herein, ſhall forfeit for every ſuch offence twenty ſhillings, recovered and applied as herein.

LII. *ſect.* 7. It ſhall be lawful for any authorized in day-time to ſeize and take away every loaf of ſuch bread not marked, and to carry before the mayor, and if he find not marked according to directions herein, all ſuch bread ſhall be forfeited and given to perſons ſeizing and informing, or to poor of the pariſh in which ſeized, or in ſuch other manner as the magiſtrate ſhall adjudge the ſame to be forfeited, ſhall direct.

LIII. *ſect.* 8. It ſhall be lawful for the mayor or any one of market jury in day-time to enter into any houſe, out-houſe, ſhop, or place belonging to any who bake for ſale or ſell any bread, and ſearch into the ingredients, which they find ſuch perſon uſing, or which he hath uſed in making bread, and to view, weigh, and try all bread found; and if on ſuch ſearch any dough or bread found, in which any ingredient not herein allowed ſhall be made uſe of, it ſhall be lawful to ſeize ſuch ingredients, dough, and bread, and for the mayor to diſpoſe of as he ſhall think fit, and alſo to commit ſuch perſons, in whoſe cuſtody they find ſuch, to the common gaol without bail or mainprize, not exceeding twenty days, as the mayor ſhall direct.

LIV. *ſect.* 9. If any wilfully oppoſe or obſtruct ſuch ſearches, being convicted in manner herein, ſhall for every offence, forfeit five pounds, recovered in manner herein, and paid to the governors of ſaid work-houſe.

LV. *ſect.* 10. Penalties and forfeitures before mentioned, except otherwiſe provided, ſhall be recovered upon conviction by confeſſion, or by oath or affirmation of one or more witneſſes before the mayor, levied by way of diſtreſs upon goods and chattles of offender by warrant from ſaid mayor, returning the overplus; ſaid forfeitures to be diſtributed amongſt the poor, as ſaid mayor ſhall direct.

LVI. *ſect.* 11. No perſon ſhall be proſecuted for offence againſt this act, unleſs within three calendar months after.

LVII. *ſect.* 12. Nothing herein ſhall prohibit the baking or ſelling of French penny and halfpenny rolls as has been accuſtomed.

LVIII. *ſect.* 13. Any ſued for any thing done in execution of this act may plead the general iſſue, and give the ſpecial matter in evidence; and if a verdict for defendant, or plaintiff non-ſuited, or judgment for defendant, he ſhall recover treble coſts.

LIX. *ſect.* 14. This act ſhall continue two years from firſt of September, one thouſand ſeven hundred and eighty, and from thence to end of then next ſeſſion, and no longer.

LX. *Stat.*

LX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 29. *ſect.* 1. Whereas doubts have ariſen in regard to regulating aſſize and price of bread, and little or no obſervance has been made of proper weights and meaſures, and ill diſpoſed perſons have oppreſſed more eſpecially the poorer ſort, and that a plain and conſtant rule and method may be duly obſerved in making and aſſizing the ſeveral ſorts in county of Dublin: all bread, made or expoſed to ſale in county of Dublin, ſhall be made according to manner and aſſize ſtruck by the lord mayor for the city; and all meal and flour ſold in ſaid county ſhall be ſold ſubject to ſame regulations and price as ſettled by lord mayor for ſaid city; and no perſon ſhall make for ſale, or ſell or expoſe to ſale, any ſort of bread, other than white and houſehold, all which ſhall be made in their ſeveral degrees according to goodneſs of the ſeveral ſorts of grain, whereof the ſame ought to be made; and the aſſize and weight of ſaid white and houſehold made of wheat ſhall be according to the weekly price and aſſize appointed by the lord mayor for ſaid city.

Bread in county of Dublin made by aſſize ſtruck by lord mayor, flour and meal by ſame regulations, white and houſhold only for ſale, according to the grain, aſſize and weight as by lord mayor weekly.

LXI. *ſect.* 2. Every common baker, and perſon who ſhall make for ſale, or any wiſe expoſe to ſale, any ſort of bread whatſoever in county of Dublin ſhall fairly imprint or mark, or cauſe to be on every loaf the quality and name of the baker, according to rules and aſſize directed to be obſerved in the city by the lord mayor; and if any baker or other making for or expoſing to ſale, bake, make, ſell, or expoſe any bread deficient in weight according to aſſize purſuant to this act, or other rules and orders from time to time made as aforeſaid, being thereof lawfully convicted, ſhall forfeit five ſhillings; and for not being marked as aforeſaid two ſhillings and ſix pence for each loaf, ſuch bread being complained of and weighed before a magiſtrate or juſtice or juſtices of peace, or any ſeneſchal within their juriſdiction, within forty eight hours after baked or expoſed to ſale within county of Dublin; all which penalties ſhall be recovered upon conviction by confeſſion or oath of one or more credible witneſſes before any magiſtrate, juſtice of peace of county of Dublin, or any ſeneſchals in reſpective juriſdictions within ſaid county, to be levied by diſtreſs upon goods and chattles of ſuch offender by warrant under hand and ſeal of ſuch magiſtrate, juſtice or ſeneſchal, before whom ſuch conviction made, returning the overplus.

Bakers and ſeller in the county ſhall imprint on every loaf the quality and name as by aſſize in the city, if deficient in weight, 5s. forfeited,

not marked, 2s. 6d. each loaf, on complaint and weighing it 48 hours,

penalty on conviction before a county magiſtrate or ſeneſchals by diſtreſs on warrant.

LXII. *ſect.* 3. Any convicted may appeal in writing to next general quarter ſeſſions for ſaid county, where heard in a ſummary manner, and finally determined; and if the perſon ſhall not make good ſuch appeal, or proſecute it with effect, ſaid court ſhall award ſuch coſts as they think reaſonable, not exceeding five pounds; and commit offenders to common gaol of the county, until payment of ſaid coſts; and alſo of the penalty adjudged on conviction.

Appeal to next county ſeſſions,

coſts not above 5l.

imprisoned till payment.

LXIII. *ſect.* 4. If any baker or ſeller of bread put any mixture of other grain, than appointed by the aſſize, ſuch perſon ſhall for every ſuch offence forfeit five ſhillings, to be recovered in manner and form before mentioned; and if any magiſtrate, juſtice or ſeneſchal, ſhall on due information of any offences againſt this act wilfully and willingly omit performance of duty in execution of this act, or neglect to pay the penalties or forfeitures, when levied, to treaſurer of the infirmary of county of Dublin, he ſhall forfeit five pounds ſterling, by civil bill before the chairman and juſtices at the general quarter ſeſſions for county of Dublin.

For other mixture 5s.

magiſtrates neglecting duty, not paying penalties to infirmary, 5l. by civil bill.

Magiſtrates may by day enter and ſearch and try all found,

if deficient, or of other ſort, ſeized, and diſtributed to the poor or debtors,

oppoſing ſearch or ſeizure, 40s.

LXIV. *ſect.* 8. It ſhall be lawful for any magiſtrate, juſtice, or ſeneſchal, within reſpective juriſdictions during this act to enter in day time into any houſe, ſhop, ſtall, bake-houſe, ware-houſe, or out-houſe of or belonging to any baker or ſeller of bread, there to ſearch for, view, weigh, or try all or any bread of ſuch perſons there found; and if any there found deficient either in goodneſs of materials or deficient in due baking or working, or wanting in due weight, or not truly marked according to this act, or of any other ſort than allowed by this act, ſuch magiſtrate, juſtice or ſeneſchals are impowered to take and ſeize ſaid bread ſo found, and cauſe the ſame to be forthwith given and diſtributed to poor of the pariſh where ſeizure made, or to debtors in the county gaol, at their diſcretion; and if any baker or ſeller of bread, or other perſons, ſhall not permit or ſuffer ſuch ſearch or ſeizure, or ſhall oppoſe, hinder, or reſiſt the ſame, they ſhall for every ſuch offence forfeit forty ſhillings; to be recovered in the ſummary manner and form before mentioned for puniſhing bakers in not obſerving the weight.

Read 1ſt of every ſeſſions, for county of Dublin,

penalty, 40s.

LXV. *ſect.* 9. After twenty fifth of March one thouſand ſeven hundred and eighty two, the clerk of peace for county of Dublin, or deputy, ſhall read this act in open court on firſt day of every general quarter ſeſſions; and in caſe of failure ſaid clerks of peace ſhall forfeit forty ſhillings, to be ſued for and recovered as other penalties before mentioned.

All penalties to county hoſpital diſtinct account kept.

LXVI. *ſect.* 10. All penalties herein ſhall go and be paid to treaſurer of county of Dublin Hoſpital for uſe of the hoſpital; and the treaſurer ſhall keep a fair and diſtinct account of the ſame.

No other puniſhment.

LXVII. *ſect.* 11. No perſon, puniſhed by this act, ſhall be for ſame offence proſecuted on any other law, ſtatute, uſage, or cuſtom.

Defendant may plead general iſſue, &c.

treble coſts.

LXVIII. *ſect.* 12. Perſons ſued or otherwiſe impeached for any thing in execution of this act, may plead general iſſue, and give the ſpecial matter in evidence; and if a verdict paſs for defendant, or plaintiff be nonſuited, or judgment paſs for defendant, ſuch defendant ſhall recover treble coſts.

Continued 4 years from 25th March 1782, and to end of next ſeſſion.

LXIX. *ſect.* 13. This act ſhall continue for four years from twenty fifth of March one thouſand ſeven hundred and eighty two, and until end of the next ſeſſion after ſaid four years.

17 & 18 G. 3. c. 32; continued by 19 & 20 G. 3 c. 15. ſ. 3. further to 24 June 1787, and end of next ſeſſion.

LXX. *Stat.* 21 & 22 *Geo.* 3. *cap* 40. *ſect.* 10. An act ſeventeenth and eighteenth of his Majeſty continued by a clauſe in nineteenth and twentieth of his Majeſty, further continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

19 & 20. G. 3. c. 21. continued to 24 June 1787, and end of next ſeſſion.

LXXI. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 11. An act nineteenth and twentieth of his Majeſty, further continued to twenty fourth of June, one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

19 & 20 G. 3. c. 42. continued to 24 June 1787, and end of next ſeſſion.

LXXII. *ſect.* 12. An act nineteenth and twentieth of his Majeſty, *for regulating the baking trade in Cork*, continued to twenty fourth June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

Ballaſt.

I. *Stat.* 3 *Geo.* 2. *cap.* 21. *ſect.* 1. It ſhall be lawful for the mayor, ſheriffs and commonalty of the city of *Cork*, the mayor, ſheriffs, free-burgeſſes, and commonalty of the town and county of the town of *Galway*, the provoſt, burgeſſes, and freemen of the town of *Sligo*, the mayor, ſheriffs, burgeſſes, and commons of the town and county of the town of *Drogheda*, and the ſovereign and free-burgeſſes of the town of *Belfaſt* reſpectively, to erect in the ſaid city of *Cork*, and in each of the ſaid towns of *Galway*, *Sligo*, *Drogheda*, and *Belfaſt*, the ballaſt-offices of the ſaid city and towns reſpectively; that all ſhips which ſhall reſort to the ports of the ſaid city and towns may be furniſhed with ballaſt by the ſaid offices reſpectively, and not otherwiſe. **Ballaſt offices.**

(2) Which offices ſhall be under the government and direction of the mayor, *&c.* of *Cork*, the mayor, *&c.* of *Galway*, the provoſt, *&c.* of *Sligo*, the mayor, *&c.* of *Drogheda*, and the ſovereign, *&c.* of *Belfaſt* reſpectively; who are reſpectively conſtituted keepers and conſervators of the ſaid ſeveral rivers and ports of *Cork*, *Galway*, *Sligo*, *Drogheda*, and *Belfaſt*, by the names of their ſeveral incorporations, and impowered to make ſuch bye-laws for the better government of the ſaid ſeveral offices, and for the cleanſing of the ſaid harbours and channels, and for ſecuring all ſhips that ſhall come into the ſaid ports, as ſhall be approved by the lord lieutenant or chief governors of this kingdom, and ſix of the privy council. **Chief magiſtrates, making bye-laws.**

II. *ſect.* 2. The mayor, *&c.* of *Cork*, the mayor, *&c.* of *Galway*, the provoſt, *&c.* of *Sligo*, the mayor, *&c.* of *Drogheda*, and the ſovereign, *&c.* of *Belfaſt*, ſhall reſpectively within their ſeveral ports, provide a ſufficient number of lighters, with workmen, tools, and engines, for the raiſing the ballaſt in any parts of the channels or rivers of the ſaid ports within the extent of their reſpective authorities, and ſhall furniſh all ſhips within the ſaid ports with ballaſt, within twenty four hours after notice given by the maſters of the ſhips to the proper officers at the ſeveral ballaſt offices: and in caſe wind and weather will not then permit them ſo to furniſh ballaſt, then within twelve hours after wind and weather will permit. **Providing lighters, &c. Furniſhing ballaſt.**

III. *ſect.* 3. Provided that *Sunday* ſhall not be accounted any part of the twenty four hours, or twelve hours aforeſaid. **Sundays excepted.**

(2) The ſaid ballaſt to be brought to the ſides of the ſhips, and thence immediately thrown into ſuch ſhips by the crews of the ſaid ſhips. **Ships crew.**

IV. *ſect.* 4. In caſe the crew of the ſhips ſhall neglect to caſt in or caſt out their ballaſt, ſo as to occaſion any unreaſonable delays, the maſter of each ſhip ſo delaying, ſhall pay to the maſter of the ballaſt office for the damage which the ballaſt office ſhall thereby ſuſtain, ſuch ſums as the chief magiſtrate ſhall in a ſummary way finally determine, ſo as that the ſaid ſum do in no caſe exceed one ſhilling each hour each lighter ſhall be unneceſſarily detained by the default of ſuch maſter, or of the crew of ſuch ſhips. **Neglecting to caſt in.**

V. *ſect.* 5. Every ſhip belonging to *Great Britain* or *Ireland*, that ſhall take in ballaſt in any of the ports aforeſaid, ſhall pay to the officer appointed to keep the ballaſt-office in ſuch port or their deputies, in the port of *Cork*, ſix pence for every tun of ballaſt delivered at or above the caſtle of *Black-rock*, and for each tun delivered below the *Black-rock* nine pence; and for every tun of ballaſt delivered in any of the ſaid other ports ſix pence, and every ſhip belonging to foreigners, ſhall pay for ballaſt in every of the ſaid ports, one third part more *per* tun than *Britiſh* or *Iriſh* ſhips. **Six-pence a tun. ⅓ more by Foreigners.**

VI. *ſect.* 6. After the ſaid ſeveral ballaſt-offices ſhall be erected, all *Britiſh* and *Iriſh* ſhips which ſhall come into any of the ſaid ports, where ſuch ballaſt-office is or ſhall be erected and kept up, ſhips in his Majeſty's pay, and **One Penny a tun beſides ballaſt-money.**

and ſhips that neither load or unload in any of the ſaid ports only excepted, ſhall pay unto the ſaid office one penny for every tun of the burden of ſuch ſhips, over and above the money payable for ballaſt, in caſe that they make uſe thereof.

Foreign ſhips three half pence.

(2) And every foreign ſhip coming within any of the ſaid ports ſhall pay one penny halfpenny *per* tun, over and above the ballaſt money, if they have ballaſt delivered them in ſuch port.

Computing tunnage.

(3) Which tunnage ſhall be computed by outward gauging of the ſhips, and not otherwiſe; and the maſter of ſuch ballaſt-office, and all officers for that purpoſe appointed, are impowered to make ſuch outward gauge of all ſuch ſhips as ſhall come into, or go out of, any of the ſaid ports as they ſhall ſee occaſion.

Not exceeding twenty ſhillings.

(4) Provided that no *Britiſh or Iriſh* veſſel ſhall at any one time pay more in the whole for ſuch tunnage than twenty ſhillings, nor any foreign ſhip more than one pound ten ſhillings.

Payment for boats, &c.

VII. *ſect.* 7. After the erection of ſuch ballaſt-offices, all lighters, boats, gabbarts, hookers and wherries, which ſhall be uſually employed in any of the ſaid ports, ſhall pay, and the reſpective owners ſhall be charged with the payment, to ſuch ballaſt-office, for every wherry, boat and hooker two ſhillings and ſix-pence fine, and two ſhillings and ſix-pence *per annum* during the time ſuch wherry, *&c.* ſhall be kept on any of the ſaid rivers or harbours.

Not in the ſervice of the offices.

(2) And every gabbart and lighter, other than the gabbarts, lighters, and boats belonging to ſuch ballaſt-office, five ſhillings fine, and five ſhillings *per annum*, during the time that ſuch gabbart, *&c.* ſhall be kept on any of the ſaid rivers, *&c.*

Diſtreſs for the money.

(3) And in caſe of non-payment of the ſaid ſums, it ſhall be lawful for the maſter of the ballaſt-office, or his deputies, to enter into any wherry, *&c.* charged with the payment of the ſaid ſums, and to diſtrain the ſails and furniture of ſuch wherry, *&c.* and the ſame to detain untill they be paid ſuch ſums.

Delay by ten days.

(4) And in caſe of delay of payment by the ſpace of ten days after diſtreſs taken as aforeſaid, it ſhall be lawful to ſell the diſtreſſes, and therewith to ſatisfy themſelves, as well for the duty, as alſo for their reaſonable charge in the taking or keeping of ſuch diſtreſs, rendering the overplus (if any ariſing by ſuch ſale) to the perſons who ſhall ply in ſuch wherry, *&c.* for the uſe of the proprietors.

Diſcharge for the ballaſt-office.

VIII. *ſect.* 8. It ſhall not be lawful for the officers of his Majeſty's revenue in the ſaid ports, to clear, or to permit any ſhips outward bound to ſail, or to permit any ſhips above the burthen of thirty tuns to be meaſured as aforeſaid, to ſail coaſt-ways, until the maſter ſhall have brought a diſcharge from the maſter of the ballaſt-office, or his deputy, teſtifying ſuch ſhips to have paid their ballaſt money, in caſe they took in ballaſt, and likewiſe the duties impoſed, which diſcharge ſhall be granted without fee or delay.

Refuſal or delay.

(2) And in caſe of refuſal or delay, the maſter of the ballaſt-office or his deputy, ſhall forfeit forty ſhillings for every ſuch refuſal or delay, to the maſter of ſuch ſhip, to be recovered in a ſummary way before the chief magiſtrate where the ſame ſhall happen, to be levied by diſtreſs by warrant under the hand and ſeal of ſuch chief magiſtrate, and by ſale of the goods of the maſter of the ſaid office.

IX. *ſect.* 9. All

IX. *ſect.* 9. All money ariſing or levied by virtue of this act, incident charges, ſalaries, and neceſſary expences being firſt deducted, ſhall be employed in amending and cleanſing the ſaid ſeveral rivers and ports. Cleanſing the rivers, &c.

(2) And in caſe there ſhall be any overplus remaining, the ſame ſhall be applied to the erecting and ſupporting workhouſes, to promote the linen manufactory in ſuch of the ſaid ports as ſhall have ſuch overplus. Overplus applied.

X. *ſect.* 10. The mayor, *&c.* of *Cork*, the mayor, *&c.* of *Galway*, the provoſt, *&c.* of *Sligo*, the mayor, *&c.* of *Drogheda*, and the ſovereign, *&c.* of *Belfaſt*, ſhall once in three years lay before the Lord lieutenant or chief governors and the privy council of this kingdom, a perfect account of the annual produce of the ſaid reſpective ſums, and how the ſame have been applied. Account of the annual produce.

(2) Which account ſhall be upon oath of the officers concerned in the receiving or paying thereof, if required, and the ſaid officers ſhall likewiſe every Lent aſſiſes, return their accounts upon oath before the going judges of aſſiſes of the ſeveral counties wherein ſaid ports reſpectively lie. On oath, if required.

(3) And in caſe any of the perſons aforeſaid ſhall neglect to account according to this act, they for every ſuch neglect ſhall forfeit one hundred pounds, to be recovered by any perſon who ſhall ſue for the ſame in the King's-bench, common pleas or exchequer, by bill, *&c.* in which no eſſoign nor more than one imparlance ſhall be allowed. Forfeiture for neglect.

(4) And the ſame ſhall be tried by a jury of the county of *Dublin*, one half thereof to be given to the informer, and the other half to be applied to the erecting or ſupport of ſuch work-houſes for the linen manufactory, in ſuch of the ſaid ports as the ſaid forfeitures ſhall be incurred in. Jury of the county of *Dublin*.

XI. *ſect.* 11. It ſhall be lawful for the mayor, *&c.* of *Cork*, the mayor, *&c.* of *Galway*, the provoſt, *&c.* of *Sligo*, the mayor, *&c.* of *Drogheda*, and the ſovereign, *&c.* of *Belfaſt* reſpectively, *&c.* to nominate ſuch officers as they ſhall think fit, for the execution of the ſeveral branches of the ſaid ballaſt offices, and to eſtabliſh ſuch allowances to them as they ſhall reſpectively judge reaſonable, out of the produce of the duties herein before veſted in the ſaid officers, and the ſame to encreaſe or diminiſh as they ſhall ſee cauſe, ſo as the ſame ſhall be approved of by the chief governors and ſix of the privy council of this kingdom. Nomination of officers.

XII. *ſect.* 12. Every perſon who ſhall caſt or aſſiſt to caſt any aſhes, dirt, filth, or rubbiſh, into any of the ſaid rivers, or into any ſewer or ſtream that empties itſelf into any of the ſaid rivers, being in a ſummary manner thereof convicted upon oath before the chief magiſtrate of ſuch of the ſaid city or towns where ſuch offence ſhall be committed, or before any juſtice of the peace of any of the counties of the ſaid city or towns or counties at large, for any of the crimes aforeſaid committed with their reſpective authorities, ſhall forfeit for every ſuch offence five ſhillings for the benefit of ſuch perſons as ſhall diſcover and proſecute the ſame. Caſting rubbiſh into rivers.

(2) Which ſum ſhall be levied by diſtreſs and ſale of the goods of the offender, by warrant of ſuch chief magiſtrate or juſtice before whom the party was convicted, returning the ſaid party the overplus. Diſtreſs and ſale.

(3) And in caſe the offender ſhall not have wherewithal to pay the ſaid five ſhillings, it ſhall be lawful for ſuch chief magiſtrate or juſtice to ſend the ſaid offender to the houſe of correction, to be once whipped, or kept to hard labour, at his diſcretion, ſo as the confinement may not for any one fault exceed four days. Committal and whipping.

XIII. *ſect.*

Channels of the rivers.

XIII. *ſect.* 13. All ballaſt in any of the ſaid ports ſhall be taken out of the channels of the rivers, and not from the ſtrands or banks, nor carried from one ſhip to ſupply another.

Penalty on maſters of ſhips.

(2) And no ballaſt ſhall be thrown out of any ſhip or boat into the ſaid harbours or rivers, upon pain of the commander's forfeiting for every ſuch offence twenty pounds to the corporation where the offence ſhall be committed, for the benefit of the ballaſt office of ſuch corporation, to be recovered by action of debt, *&c.* in any court of record, wherein there ſhall be no eſſoign, *&c.* granted.

Payment to lighters.

XIV. *ſect.* 14. The ſeveral lighters or boats to be employed in the ſaid ſervice, ſhall within twenty four hours after notice as aforeſaid, repair to ſuch ſhips as ſhall come into any of the ſaid ports, and thence receive ſuch ballaſt as ſhall be on board, for recompenſe whereof, the maſter, in caſe the ſame be *Britiſh* or *Iriſh* ſhips, ſhall pay ſixpence for every tun, and in caſe the ſaid ſhips be foreign, eight pence *per* tun.

Taking in ballaſt.

XV. *ſect.* 15. No perſons ſhall in any of the ſaid ports take up any ballaſt but from ſuch perſons only as ſhall be thereunto appointed by virtue of this act, on pain of forfeiting for every ſuch offence five pounds, to be recovered in a ſummary way before the chief magiſtrate, for the uſe of the ſaid offices.

Neglecting to bring ballaſt.

XVI. *ſect.* 16. In caſe the officers of any of the ſaid ballaſt offices, or their ſervants, ſhall neglect to take off or bring in ballaſt to any ſhips within any of the ſaid ports, at the reſpective times appointed for doing thereof, it ſhall be lawful for the maſter of ſuch ſhip, at any time after notice given of ſuch neglect to the chief magiſtrate of the city or town, to employ any other lighters, *&c.* which are hereby authorized to take up ſo much ballaſt in the channels of the ſaid ports or rivers only, as ſhall be requiſite for ballaſting of ſuch ſhips ſo neglected, or to carry off ſuch ballaſt as ſhall be in ſuch ſhips arriving in any of the ſaid ports, in caſe the maſter, officers, or ſervants of ſuch ballaſt office, ſhall neglect the ſame within the preſcribed times aforeſaid.

Exemptions from duty and mulcts.

(2) And upon oath thereof made before the collector or chief reſiding officer of the cuſtoms of the port, every ſuch maſter of any ſhip ſhall have his diſcharge and clearings out of the ſaid port, as if he had produced ſuch certificate from the maſter of the ballaſt office as aforeſaid, and every lighter, *&c.* which ſhall be ſo employed, either in the loading or unloading of the ballaſt, on occaſion of ſuch neglect, ſhall be exempted from the payment of any duty or mulct to the ſaid ballaſt office for one year.

Lighters carrying goods.

XVII. *ſect.* 17. No lighter, *&c.* taken into the ſervice of any of the ſaid ballaſt offices, ſhall at any time carry goods to or from any ſhip in any of the ſaid ports, on pain of forfeiting treble the value of the portage of ſuch goods to the party that ſhall diſcover the ſame; to be recovered in a ſummary way before the chief magiſtrate where the ſaid offence ſhall be committed.

Ships or boats ſunk.

XVIII. *ſect.* 18. When any ſhip, gabbart or boat ſhall be ſunk in any of the ſaid harbours or rivers, if the owners do not remove them in ſix days, the directors of the ballaſt office of ſuch port are obliged to remove ſuch ſhip, *&c.* to clear the navigation of the ſaid river.

Expences to be paid.

(2) And in caſe the owners within ſix days after the ſaid ſhip, gabbart or boat ſhall be ſo removed ſhall neglect to pay ſuch charges as the ballaſt office ſhall be put to on account thereof, the directors of ſuch ballaſt office ſhall ſell the

ſame

ſame at publick cant to the higheſt bidder, which ſale ſhall be concluſive to all parties, and out of the money ariſing by ſuch ſale, deduct the charge they ſhall be put to on account of removing ſuch ſhip, &c. rendering the overplus to the owner.

XIX. *ſect.* 19. The directors of the ſaid ſeveral ballaſt offices ſhall, within one month after their entrance into the ſaid offices reſpectively, place ſubſtantial perches at due diſtances on both ſides of the channels of the ſaid ports, from the entrances of the harbours of the ſaid ports, to the ſaid cities and towns reſpectively, and the ſame ſhall carefully keep up for the direction of ſhips, on pain of forfeiting for every wilful neglect five pounds, to be recovered in a ſummary manner before the chief magiſtrate where the offence ſhall be committed, by ſuch perſons as ſhall ſue for the ſame. Placing perches.

XX. *ſect.* 20. Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and give this act, which ſhall be deemed a publick act, and the ſpecial matter in evidence for their defence; and if a verdict ſhall paſs for the defendants, or the plaintiffs ſhall diſcontinue their action, or be nonſuited, or if judgment ſhall be given againſt them, ſuch defendants ſhall have treble coſts. General iſſue.

XXI. *ſect.* 21. This act ſhall not be conſtrued to give the ſaid corporations, or any of them, any greater franchiſe than they already have by charter, other than to enable them to execute this act, and ſaving to all perſons their reſpective rights to any lands, ſlabs, ſtrand, or wears, and to their ſeveral royalties and fiſheries within the ſaid ports and harbours. *See Tit.* Dublin, Ballaſt. General ſaving.

Bank.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 16. *ſect.* 1. Whereas it will tend to advancement of publick credit in this kingdom, and extenſion of its trade and commerce, if a bank with publick ſecurity ſhall be eſtabliſhed therein: it ſhall be lawful for your Majeſty, your heirs and ſucceſſors, by commiſſion under great ſeal of Ireland to authorize and appoint any number of perſons, after firſt of Auguſt next to take and receive all voluntary ſubſcriptions made on or before the firſt of January, one thouſand ſeven hundred and eighty four, by any perſons, natives or foreigners, bodies politick or corporate, for and towards raiſing and paying into the treaſury in this kingdom ſix hundred thouſand pounds ſterling, to be paid in money, or by debentures which have been or ſhall be iſſued from treaſury by any act or acts heretofore and in this ſeſſion, bearing an intereſt at rate of four pounds *per centum per annum*; which debentures ſhall be taken at par from ſuch ſubſcribers, and be conſidered as money by the perſons to whom paid; for which ſum ſo to be ſubſcribed a ſum by way of annuity, equal in amount to the intereſt upon ſaid debentures at rate of four pounds *per centum per annum*, ſhall be paid at treaſury in manner herein after. Perſons authorized under great ſeal to receive ſubſcriptions on or before 1 Jan. 1784 for paying 600000l. into treaſury, in money or treaſury debentures at 4 per cent. taken at par, and conſidered as money, annuity equal to the intereſt paid.

II. *ſect.* 2. If from competition for a preference amongſt the perſons deſiring to ſubſcribe they ſhall be willing to pay or advance any ſums by way of premium for obtaining ſuch preference or permiſſion to ſubſcribe, the amount of ſuch ſums, ſo advanced and paid over and above ſaid ſix hundred thouſand pounds to ſaid commiſſioners impowered to receive Premiums for preference and permiſſion to ſubſcribe applied to buſineſs of ſaid bank and building and ac-

commodations, approved by chief governor.

receive ſuch ſubſcriptions and premiums, ſhall be applied towards any purpoſes for beginning or carrying on the buſineſs of ſaid bank, and alſo towards erecting a proper building and convenient accommodations for the ſame purſuant to ſuch plan as ſhall be furniſhed by ſaid commiſſioners, which plan and ſituation for building ſhall be ſubject to approbation of the chief governor.

Manner and proportions, &c. of aſſignment or transfer of ſaid 600000l. appointed under great ſeal,
freely and voluntarily accepted,
ſubſcribers and contributors incorporated,
named,
perpetual ſucceſſion and common ſeal,
purchaſe lands, &c.

III. *ſect.* 3. It ſhall be lawful for your Majeſty, your heirs and ſucceſſors, by letters patent under great ſeal of Ireland to limit, direct, and appoint, how and in what manner and proportions, rules and directions, ſaid ſix hundred thouſand pounds, and every or any part or proportion thereof, may be aſſignable or transferable, aſſigned or transferred, to ſuch perſon or perſons only as ſhall freely and voluntarily accept of the ſame, and not otherwiſe; and to incorporate all ſuch ſubſcribers and contributers, their executors, adminiſtrators, ſucceſſors, or aſſigns, to be one body politick and corporate by name of the governor and company of the bank of Ireland; and by ſame name to have perpetual ſucceſſion, and a common ſeal; and they and their ſucceſſors by the name aforeſaid ſhall be capable in law to have, purchaſe, receive, poſſeſs, enjoy, and retain to them and their ſucceſſors lands, rents, tenements and hereditaments of what kind, nature, or quality ſoever, and alſo to ſell, grant, alien, demiſe, or diſpoſe of the ſame; and by ſame name to ſue and implead, and be ſued and impleaded, anſwer and be anſwered in courts of record or any other places, and to do and execute all other matters by the name aforeſaid, that to them ſhall or may appertain to do, ſubject nevertheleſs to proviſo or condition of redemption herein after.

ſell and diſpoſe,

ſue and be ſued, &c.

ſubject to condition of redemption.

No perſon or body ſhall ſubſcribe above 100000l.

IV. *ſect.* 4. No one perſon or body politick or corporate ſhall by himſelf, herſelf, or themſelves, or any in truſt ſubſcribe or cauſe to be ſubſcribed for and towards the raiſing ſaid ſix hundred thouſand pounds, any ſum or ſums exceeding ten thouſand pounds for uſe of ſuch perſon or body politick or corporate reſpectively; and every ſuch ſubſcriber ſhall at time of ſubſcription pay or cauſe to be paid unto the commiſſioners, authorized for taking and receiving, one full fourth part of their reſpective ſubſcriptions; and in default of ſuch payment every ſubſcription ſhall be utterly void and null; and reſidue of ſaid ſubſcriptions ſhall be paid into treaſury in ſuch manner and proportions, and at ſuch times before the firſt of January one thouſand ſeven hundred and eighty four, as ſuch commiſſioners direct; and in default of any ſuch payments ſuch parts paid as aforeſaid, ſhall be forfeited to and for benefit of ſaid bank, to be applied towards any purpoſes for beginning or better carrying on the buſineſs of the ſame as aforeſaid.

1-4th paid at the time,
on ſubſcription void,
reſidue into treaſury before 1 Jan. 1784, as commiſſioners appoint,
in default, payments forfeited, and applied,

If the 600000l. not ſubſcribed by 1 Jan. 1784, powers to erect corporation ſhall ceaſe,

V. *ſect.* 5. In caſe the whole ſix hundred thouſand pounds be not ſubſcribed on or before the firſt of January one thouſand ſeven hundred and eighty four, the powers and authorities for erecting a corporation as aforeſaid ſhall ceaſe and determine, any thing herein to contrary notwithſtanding; and all ſuch perſons, bodies politick or corporate, ſhall be entitled to and receive from ſaid commiſſioners ſuch or like debentures, or ſums by them ſubſcribed and paid, with all intereſt accruing upon ſaid debentures during the time depoſited with ſaid commiſſioners.

ſubſcriptions returned with intereſt on the debentures.

Corporation not to borrow or give ſecurity for above 600000l.

VI. *ſect.* 6. Said corporation ſhall not borrow or give ſecurity by bill, bond, note, covenant, or agreement under common ſeal or otherwiſe, for any ſums exceeding in the whole ſix hundred thouſand pounds; ſo that they

they ſhall not owe at any one time more than a ſum equal to ſaid ſix hundred thouſand pounds, unleſs it be by future act or acts of parliament; and if any more or further ſums ſhall be borrowed or taken up by, or lent or advanced to, ſuch corporation under common ſeal or otherwiſe, or for payment of which any bond, bill, note, covenant, agreement, or other writing, ſhall be made, ſealed, or given, in ſuch caſe all perſons who ſhall be members of ſaid corporation, and their reſpective heirs, executors, and adminiſtrators, ſhall in their reſpective private capacities be chargeable with and liable in proportion to their ſeveral ſhares and ſubſcriptions to the repayment of ſuch money with intereſt for the ſame, as if ſuch ſecurity had been for payment of ſo much money, and intereſt ſealed by ſuch reſpective members and delivered by them as their reſpective acts and deeds, in proportion to their ſhares and ſubſcriptions; and an action of debt ſhall and may be brought, commenced, proſecuted, and maintained in any of courts of record at Dublin by the reſpective creditors to whom ſuch ſecurity made, or their executors or adminiſtrators, againſt all and every and any one or more of the perſons members of ſaid corporation, or all or any of their reſpective heirs, executors, or adminiſtrators, in proportion to their reſpective ſhares; and therein recover and have judgment in like manner, as if ſuch ſecurity were reſpectively ſealed by the reſpective perſons ſo ſued, or their reſpective anceſtor or teſtator, or inteſtate, and by them executed and delivered as their reſpective act and deed; any condition, covenant, or agreement, to the contrary in any wiſe notwithſtanding; and if any condition, covenant, or agreement ſhall be made to the contrary, the ſame ſhall be void.

if more borrowed, the members in their private capacities liable in proportion to ſhares and ſubſcriptions in actions of debt, and judgment as if their reſpective act and deed, conditions or agreements to contrary void.

VII. *ſect.* 7. For all ſums ſo to be borrowed by ſaid corporation, no higher or greater intereſt, gratuity, or conſideration ſhall be paid by ſaid corporation, or any on their behalf, than at rate of five pounds *per centum per annum*; and for all ſums ſo to be advanced or paid by ſaid corporation for or on account of dealing in or diſcounting promiſſory notes or bills of exchange, or for or on account of any money or bonds, or other ſecurities, no higher or greater ſum by way of intereſt, diſcount, gratuity, or other conſideration, ſhall be demanded or taken by ſaid corporation, or any on their behalf, than at like rate of five pounds *per centum per annum*, under penalty or forfeiture of treble the ſums ſo borrowed, lent, or advanced to or by ſaid corporation, to be recovered in any of courts of record at Dublin, by action of debt, bill, plaint, or information, one moiety thereof to informer, the other to uſe of your Majeſty, your heirs or ſucceſſors: provided nothing herein ſhall enable ſaid corporation, or any on their behalf, to lend or advance any ſums, to be ſecured by mortgage or ſale of lands, tenements, or hereditaments, redeemable; any thing herein to contrary notwithſtanding.

Intereſt not above 5 per cent. paid by ſaid corporation, not above 5 per cent. on diſcount, &c. under penalty of treble, to K. and informer.

VIII. *ſect.* 8. In any action, bill, plaint, or information, by this act, or to be inſtituted thereon, no protection, wager of law, eſſoign, privilege of parliament, or other privilege, ſhall be allowed, nor more than one imparlance.

No protection, privilege, &c. allowed.

IX. *ſect.* 9. That ſubjects may not be oppreſſed by ſaid corporation, by monopolizing: ſaid corporation ſhall not deal or trade, or permit or ſuffer any, either in truſt or for benefit of ſaid corporation, to deal or trade with any of the ſtock, monies, or effects of, or any ways belonging to ſaid corporation, in buying or ſelling any goods, wares, or merchandizes whatſoever,

Not to deal or trade with the ſtock in buying or ſelling goods,

ſave as herein after; and every perſon who ſhall ſo deal or trade, or by whoſe orders or directions ſuch dealing or trading ſhall be made, proſecuted, or managed for or in any manner on behalf of ſuch corporation, ſhall forfeit for every ſuch dealing or trading, and for every ſuch order and direction, treble value of goods and merchandizes ſo traded for, to ſuch as ſhall ſue, by action of debt, bill, plaint, or information in any of courts of record at Dublin: provided nothing herein ſhall in any ways hinder ſaid corporation from dealing in bills of exchange, or in buying or ſelling bullion, gold, or ſilver, or in ſelling any goods, wares, or merchandizes whatſoever, really and *bona fide* left or depoſited with ſaid corporation for money lent and advanced thereon, and not redeemed at the time agreed on, or within three months after, or from ſelling ſuch goods the produce of lands purchaſed by ſaid corporation.

or treble to proſecutor,

except dealing in bills of exchange, bullion, or goods depoſited on money lent and not redeemed, or produce of lands purchaſed.

Bills obligatory and of credit aſſignable by indorſement, ſo toties, a transfer of right, ſued in aſſignee's name.

X. *ſect.* 10. Bills obligatory and of credit under ſeal of ſaid corporation, to any, ſhall and may by indorſement under hands of ſuch perſons, be aſſignable to any who ſhall voluntarily accept the ſame, and ſo by ſuch aſſignee *toties quoties*, by indorſement; and ſuch aſſigaments ſhall abſolutely veſt and transfer the right and property in and unto ſuch bills, and the monies due; and the aſſignees ſhall and may ſue for and maintain an action thereupon in his or her own name.

If crown lands or revenues purchaſed, or ſums advanced by loan or anticipation on the revenue (except a parliamentary loan) treble value forfeited,

XI. *ſect.* 11. If the governor, deputy, directors, managers, aſſiſtants, or other members of ſaid corporation, ſhall upon account of ſaid corporation, purchaſe any lands or revenues belonging to the crown, or advance or lend to your Majeſty, your heirs or ſucceſſors, any ſums by way of loan or anticipation on any part, branch, or funds of the revenues granted or belonging to, or hereafter to be granted to your Majeſty, your heirs or ſucceſſors, other than ſuch funds, parts, or branches of ſaid revenue only, on which a credit of loan granted by parliament, ſaid members who conſent, agree to, or approve of advancing or lending to your Majeſty, your heirs or ſucceſſors, ſuch ſums, and every of them ſo agreeing and being thereof lawfully convicted, ſhall for every ſuch offence forfeit treble value of every ſuch ſum ſo lent, whereof one half ſhall be to informer, recovered in any of courts of record at Dublin by action of debt, bill, plaint, or information, and the reſidue to be diſpoſed of towards publick uſes, as directed by parliament, and not otherwiſe.

half to informer, reſidue to publick uſes as by parliament.

Fines, &c. againſt corporation not pardoned or diſcharged, if eſtreated on proceſs, detained out of the intereſt of ſaid 600000l.

XII. *ſect.* 12. Amerciaments, fines, and iſſues againſt ſaid corporation and their ſucceſſors, to be had, charged, or eſtreated in or upon account of any ſuits or actions againſt them ſhall not be pardoned, acquitted or diſcharged by any letters of ſignet, privy ſeal, or great ſeal, or otherwiſe; and in caſe any ſuch amerciaments, fines, or iſſues, ſhall be eſtreated againſt ſaid corporation upon any proceſs for non-appearance at ſuit of any perſon, it ſhall be lawful for officers of exchequer, and they are directed, to detain ſo much out of annual intereſt or produce of ſaid ſix hundred thouſand pounds as the ſaid amerciaments, fines, or iſſues amount unto, out of ſaid yearly ſum ſo payable to ſaid corporation.

Money paid on execution detained out of ſaid yearly ſum.

XIII. *ſect.* 13. If any perſons obtain judgment in any court of law againſt ſaid corporation for any debt or ſum, and bring execution thereupon unto officers of exchequer, it ſhall be lawful for ſaid officers, and they are required to pay ſaid ſums in ſaid execution, to the plaintiffs or aſſigns, whoſe receipt ſhall be a ſufficient diſcharge; and ſaid officers ſhall and may detain ſo much

much of ſaid yearly ſum ſo payable to ſaid corporation, as ſaid debts amount unto.

XIV. *ſect.* 14. It ſhall not be lawful for any body politick or corporate, other than the corporation intended to be created and erected into a national bank, or for any other perſons united or to be united in covenants or partnerſhip, exceeding the number of ſix, to borrow, owe, or take up money on their bills or notes payable at demand, or at any leſs time than ſix months from the borrowing, under a penalty or forfeiture by ſuch perſons, bodies politick or corporate, of treble the ſums ſo borrowed or taken upon ſuch bills or notes; one moiety to the informer, the other to your Majeſty, your heirs and ſucceſſors, recovered by action of debt, bill, plaint, or information, in any courtsof record at Dublin.

No body (except ſaid corporation) nor partners exceeding 6, ſhall borrow on bills or notes on demand or under 6 months, or treble to K. and informer.

XV. *ſect.* 15. If any forge, counterfeit, or alter any bank note, bank bill of exchange, dividend warrant, or bond or obligation under common ſeal of ſaid company, or any endorſement thereon, or offer or diſpoſe of, or put away any ſuch, or demand the money therein, or pretended to be due thereon, or any part thereof of ſaid company, or officers or ſervants, knowing ſuch to be forged, counterfeited, or altered, with intent to defraud ſaid company, or ſucceſſors, or any other, every perſon ſo offending, and convicted in due form of law, ſhall be deemed guilty of felony, and ſuffer death as a felon without benefit of clergy.

Forging or altering bank note, &c. offering or diſpoſing, demanding the money, knowing, with intent to defraud, felony death.

XVI. *ſect.* 16. If any officer or ſervant of ſaid company, intruſted with any note, bill, dividend, warrant, bond, deed, or any ſecurity, money, or other effects belonging to ſaid governor and company, or having any bill, dividend warrant, bond, deed, or any ſecurity or effects of any other lodged or depoſited with ſaid company, or with him as an officer or ſervant of ſaid company, ſecrete, embezzle, or run away with any ſuch note, bill, dividend warrant, bond, deed, ſecurity, money, or effects, or any part, being convicted in due form of law, ſhall be deemed guilty of felony, and ſuffer death as a felon without benefit of clergy.

Officer or ſervant embezzling, &c. felony, death.

XVII. *ſect.* 17. No member of ſaid corporation ſhall be, or adjudged liable to be a bankrupt within intent and meaning of any ſtatutes againſt or concerning bankrupts, for or by reaſon of their ſtock or intereſt in ſaid corporation; and no ſtock in ſaid corporation ſhall be ſubject or liable to any foreign attachments.

Not within bankrupt laws, not ſubject to foreign attachment.

XVIII. *ſect.* 18. Said ſix hundred thouſand pounds, when paid in by ſaid ſubſcribers, ſhall be the common capital and principal ſtock of ſaid bank, and transferable and aſſignable, and deemed perſonal eſtate, and not real, and as ſuch, if not otherwiſe diſpoſed of by perſons intitled, go to executors and adminiſtrators of perſons dying poſſeſſed or intitled, and not the heirs; and ſaid common capital or principal ſtock and real funds of the governor and company of the bank of Ireland, and ſaid allowances after rate of four pounds *per centum*, and the particular part, ſhare, and intereſt of every member in ſaid ſtock, funds, and allowances, ſhall not be liable or ſubject to any foreign attachment; and all debentures, ſubſcribed in part or for whole of ſaid ſtock, ſhall, as ſoon as depoſited by ſubſcribers, be locked up in a cheſt in treaſury until cancelled as herein after; and after the day of paſſing ſuch letters patent, all debentures ſo depoſited and locked up, ſhall be cancelled by vice treaſurer or pay maſter general, or deputies, in preſence of governor and company of ſaid bank, from which day all intereſt on ſaid debentures to holders or proprietors, ſhall ceaſe; and in lieu thereof ſhall be paid out of

Said 600000l. the capital ſtock, transferable and aſſignable, deemed perſonal, and not go to heirs, not ſubject to foreign attachment, debentures locked up in treaſury till cancelled, in preſence of governor and company, intereſt to ceaſe,

annuity 24000l. paid in lieu out of ſame funds, without deduction, half yearly,

of funds applicable by parliament for intereſt upon ſaid debentures, one annuity of twenty four thouſand pounds, being equal to amount of the whole intereſt upon ſuch debentures cancelled; which annual ſum of twenty four thouſand pounds ſhall be paid by two equal half yearly payments to governor and company of ſaid bank, without any defalcation or deduction, and as intereſt heretofore paid upon ſaid debentures, the firſt payment to commence on twenty fourth of June, or twenty fifth of December next after day of paſſing ſuch letters patent, which ever ſhall firſt happen; and if an entire half year not elapſed between day of paſſing ſuch letters patent, and firſt day of payment, a part of ſaid annuity proportioned to time ſo elapſed, ſhall at rate aforeſaid be paid to governor and company of ſaid bank; and all intereſt accrued due on ſuch debentures to the day of paſſing ſaid letters patent, ſhall be paid to ſaid governor and company for uſe of ſaid ſubſcribers, according to proportions ſo accruing due to ſubſcribers upon reſpective debentures.

first payment 24 June or 25 Dec. after letters patent, if not an entire half year proportioned,

intereſt due, paid to company for uſe of ſubſcribers.

XIX. *ſect.* 19. Said annual ſum of twenty four thouſand pounds, and all profit, benefit, and advantage from time to time ariſing out of management of ſaid corporation, ſhall (the charges of managing excepted) be applied from time to time to uſes of all the members of ſaid corporation rateably and in proportion to each member's part, ſhare, and intereſt in the common capital and principal ſtock, purſuant to ſuch rules and regulations as ſpecified in letters patent aforeſaid.

Said 240000l. and all profits from management (charges excepted) applied to members rateably as in letters patent.

If 600000l. not paid by 1 January 1784, debentures, or the like returned with the intereſt,

XX. *ſect.* 20. In caſe the whole ſix hundred thouſand pounds not advanced and paid in manner aforeſaid, on or before firſt of January one thouſand ſeven hundred and eighty four, ſo as the ſaid corporation ſhall not be created or or eſtabliſhed, ſaid debentures ſo depoſited, or like debentures for ſums ſubſcribed, ſhall be returned without expence to the perſons ſubſcribing, their executors, adminiſtrators, or aſſigns, with all intereſt thereon to the day upon which returned, according to reſpective proportions, as fully and beneficially, as if this act never paſſed.

On 12 months notice after 1 Jan. 1794, in Gazette, and repayment with arrears, or before on company's petition, ſaid annuity of 24000l. and ſaid corporation ſhall ceaſe,

on ſuch notice or requeſt, or on inſolvency, before dividend, the ſtock firſt applied to debts, if inſufficient, each member in private capacity liable in proportion to intereſts.

XXI. *ſect.* 21. Upon twelve months notice after firſt of January one thouſand ſeven hundred and ninety four, in Dublin Gazette, by order of the chief governor and upon repayment by parliament to the governor and company of the bank of Ireland, or their ſucceſſors, as well of ſaid ſix hundred thouſand pounds in like debentures, and ſubject to like intereſt of four pounds *per centum*, as of all arrears of ſaid annual twenty four thouſand pounds, without any deduction, diſcount, or abatement, or at any time previous to ſaid firſt of January one thouſand ſeven hundred and ninety four upon like repayment by and with deſire and conſent of ſaid governor and company, ſignified by their petition in writing, ſealed with common ſeal, and addreſſed to the chief governor, ſaid annuity of twenty four thouſand pounds, and every part, together with ſaid corporation, ſhall ceaſe; and in caſe of determination of ſaid corporation, in conſequence of ſuch notice or requeſt, or in caſe of inſolvency, before any diſtribution or dividend of ſaid ſtock or produce, ſaid governor and company ſhall be obliged firſt, to apply ſaid ſtock and produce in their hands, or a competent part, to diſcharge and pay off the total ſum of debts they ſhall owe to others; and in caſe the ſame ſhall not be ſufficient to diſcharge ſuch debts, each member of ſaid corporation ſhall in their private capacity, according to proportions of their reſpective intereſts in ſaid capital ſtock, be liable to payment of ſaid debts until the whole diſcharged.

XXII. *ſect.*

XXII. *ſect.* 22. Said governor and company ſhall be obliged to make dividends of monies from time to time due or payable to or received by ſaid governor and company, ariſing from ſaid annuity and other net profits of management of ſaid bank, once in every ſix calendar months, unto members of ſaid corporation according to their reſpective ſhares and intereſts in ſaid capital ſtock. Dividends made every 6 months.

XXIII. *ſect.* 23. For preventing clandeſtine or fraudulent bargains or dealings in bank ſtock; no promiſe, contract, bargain, covenant or agreement, by word of mouth or in writing for buying or ſelling any bank ſtock, or for transferring, changing, or altering the property, in truſt or otherwiſe, ſhall be valid in law or equity, or legal, obligatory, or binding to either or any of the parties making or concerned, or for whoſe uſe or account made, unleſs actually regiſtered in words at length in the book or books of the bank, by the officer there for that purpoſe appointed within ſeven days, and actually transferred within fourteen days next after the making ſuch promiſe, contract, bargain, covenant, or agreement. No contract, bargain, &c. for buying or ſelling, or transferring, ſtock, valid, unleſs regiſtered at length in bank books, by the officer in 7, and transferred in 14 days.

XXIV. *ſect.* 24. No act, matter, or thing done by ſaid corporation or ſucceſſors, or court of directors, or any ſub-committee appointed by ſaid corporation, ſhall ſubject or make liable to forfeiture the particular private and perſonal eſtate, intereſt, ſtock, and property of any member of ſaid corporation; but notwithſtanding any ſuch act, the eſtate, ſtock, intereſt and property, with the whole proceed, benefit, profit and advantage belonging to every member of the whole corporation, and his particular right, claim, and title thereunto, and to every part, ſhall remain unforfeited, untouched, whole, ſafe, and entire, to the proper uſe and benefit of every of ſaid members; ſubject nevertheleſs to payment of all juſt debts contracted by ſaid corporation; any law, ſtatute, uſage, or cuſtom to contrary notwithſtanding. No member's intereſt in ſtock liable to forfeiture by any act by the corporation, directors, or committee, but ſubject to debts by ſaid corporation.

XXV. *ſect.* 25. This act ſhall be deemed a publick act to all intents in all courts; and all judges are required to take notice thereof as ſuch without ſpecially pleading the ſame. A publick act.

Bankers.

I. *Stat.* 29 *Geo.* 2. *cap.* 16. *ſect.* 1. The name of every perſon who ſingly, or jointly with any others, carry on the trade or buſineſs of bankers, ſhall be mentioned in, or ſubſcribed to, all notes and receipts to be iſſued by ſuch bankers; and if any banker ſhall offend herein, he ſhall for every ſuch offence forfeit one hundred pounds. Names of bankers to be ſubſcribed.

II. *ſect.* 2. No perſons, who do or ſhall carry on the buſineſs of a banker, ſhall either ſingly or in partnerſhip, ſo long as they ſhall continue to be bankers, trade or traffick as merchants in goods imported or exported; and if any banker ſhall offend herein, he ſhall forfeit one thouſand pounds. Not to traffick as merchants.

III. *ſect.* 3. If any caſhier, or clerk of any bankers, merchants, or officers, intruſted with the receipt or cuſtody of publick money, ſhall, without the conſent of ſuch bankers, merchants, or officers, embezzle or take away money, caſh, notes, or ſecurities for money, to the value of fifty pounds *ſterling*, belonging to ſuch bankers or merchants, or intruſted to the care of ſuch officers, with an intent to defraud ſuch bankers, merchants, or officers; ſuch caſhier Embezzling money, or notes, &c.

guilty of felony.

cashier or clerk shall, upon conviction thereof, be adjudged to be guilty of felony without the benefit of clergy.

Receiving such money, &c.

(2) And every person who shall receive such money, notes, or securities for money, from such cashier, or clerk, knowing them to be so taken away, with an intent to defraud such bankers, merchants, or officers, shall be likewise adjudged to be guilty of felony without benefit of clergy.

Action of debt, &c.

IV. *Sect.* 4. All sums of money to be forfeited by this act, may be sued for, and recovered in any of the four-courts of *Dublin*, by any person in his or her own name, by action of debt, bill, plaint, or information, founded on this act.

Suit within 12 months.

V. *Sect.* 5. Provided such suit be commenced within twelve calendar months next after such offence committed, in which there shall be no essoign, wager of law, or more than one imparlance allowed; and that all sums so to be recovered, shall be applied, one moiety thereof to the person who shall sue for the same, the other moiety to his Majesty, &c.

Repeal of the act, 8 G. 1. c. 14.

VI. *Stat.* 33 *Geo.* 2. *cap.* 14. *sect.* 1. The act 8 *Geo.* 1. *cap.* 14. as to all persons that do now, or shall hereafter follow the business of a banker, and to every creditor of such persons, is repealed from the first day of the present session of parliament; and nothing contained in the said act shall impede the operation of the clauses herein contained.

Deeds, not registered, void.

VII. *Sect.* 2. All deeds and conveyances made by any banker before the first day of *August* 1760, whereby any real estate shall be granted, released, mortgaged, demised, or any ways incumbered or affected, which shall not be registered and inrolled, pursuant to the direction in the said recited act, shall be deemed fraudulent and void against all creditors of such bankers.

Registry in one month.

(2) And all deeds and conveyances that shall, after the first day of *August* 1760, be made in this kingdom by any banker, or any persons by them impowered, whereby any part of their real estate or leasehold interest, or whereby any mortgage belonging to such bankers, upon any lands, tenements, or hereditaments, or leasehold estates, shall be granted, released, sold, mortgaged, demised, or any way incumbered or affected, other than leases not exceeding the term of three lives or thirty one years, to be made by such bankers, at the full improved rent, without fine, shall be duly registered in the office for the publick registry of all deeds, within one calendar month from the time of the execution thereof, by such bankers or persons by them authorized.

If out of the kingdom in three months.

(3) And if such deed or conveyance shall be executed out of this kingdom, then such deed or conveyance shall be registered within three calendar months from the time of the execution thereof, and for want of such registry, every such deed and conveyance shall be deemed fraudulent and void against all creditors of such bankers, though made for valuable consideration.

Voluntary grants, &c.

VIII. *Sect.* 3. All grants, sales, alienations, leases, or dispositions to be made after the tenth day of *May* 1760, by any banker during the time he continues a banker, of any part of his real estate, or of any leasehold interest to him belonging, or of any interest in such real estate or leasehold interest to, or to the use of, or in trust for any son or grandson, daughter, or grand-daughter, of such banker, shall be utterly void, as against all creditors of such banker, though made for valuable consideration, and though such creditors were not creditors at the time such grant, &c. was made.

Promise to pay interest.

IX. *Sect.* 4. No banker shall, after the tenth day of *May* 1760, issue or give any note, negotiable receipt, or accountable receipt, with any promise or engagement

engagement therein contained for the payment of any intereſt, and all notes and receipts that ſhall be given after the ſaid tenth day of *May* 1760, by any banker, with ſuch promiſe for the payment of any intereſt, ſhall be null and void.

X. *ſect.* 5. If any bankers have not paid, or ſhall not pay the notes, negotiable or accountable receipts iſſued by them, or by any perſon by them for that purpoſe appointed, upon demand, when the ſame ſhall become due, ſuch bankers that have or ſhall ſo make default in payment, their heirs, executors, and adminiſtrators ſhall, from thenceforth be obliged to pay, not only the ſums in ſuch notes negotiable or accountable receipts contained, but alſo legal intereſt for the ſame, from the time of ſuch demand, until the time of paying the ſame, unleſs ſome agreement to the contrary hath been or ſhall be made between ſuch bankers and their creditors. Default in payment.

XI. *ſect.* 6. If any banker after he ſhall ſtop payment, ſhall receive or diſcharge any ſums due to him at the time he ſhall ſtop payment, every ſuch receipt and diſcharge ſhall be null and void. Diſcharges void.

(2) All deeds and conveyances heretofore made, or that ſhall be hereafter made by any banker, of any real or perſonal eſtate to him belonging, either in law or equity, after the time ſuch banker ſhall abſcond or ſtop payment, although the ſame ſhall be made for valuable conſideration, ſhall be null and void, unleſs made to the uſe of, or in truſt for all the creditors of ſuch banker, according to the order or courſe in which the debts of ſuch banker ought to be paid, or unleſs ſuch deeds ſhall be accepted of and agreed to by all the creditors of ſuch banker, in either of which caſes ſuch deeds ſhall be valid and effectual. Deeds after ſtopping payment.

XII. *ſect.* 7. The perſons of all bankers who ſhall have ſtopped payment, at any time between the firſt day of the preſent ſeſſion of parliament, and the fifteenth day of *April* 1760, and who at any time between the firſt day of the preſent ſeſſion of parliament, and the firſt day of *June* 1760, ſhall have veſted his whole real and perſonal eſtate, or a ſufficient part thereof in one or more truſtees for the payment of all their debts, and for the defraying the expences of executing that truſt, ſhall be free from all arreſts and executions at the ſuit of any of their creditors, until the fifth day of *March* 1762. Freedom from arreſts.

(2) And where the perſon of any ſuch banker ſhall be arreſted by any writ or execution, at the ſuit of any of his creditors, every court out of which ſuch writ or execution ſhall iſſue, or the court of chancery, is required to hear and determine upon, whether ſuch banker ſhall be entitled to the benefit of this clauſe. Hearing on motion.

XIII. *ſect.* 8. Immediately after the time that any banker ſhall abſcond or ſtop payment, or die, all the real eſtate, whether for lives in fee-ſimple or fee-tail, and all the perſonal eſtates, credits, and effects whatſoever either in law or equity, of which ſuch banker ſhall be ſeized or intitled unto at the time of his death, or ſtopping payment or abſconding, ſhall be ſubject to the payment of all his debts of what nature or kind ſoever the ſame be, without any regard to priority or preference in point of payment, other than ſuch debts and incumbrances as ſuch banker had contracted, or ſhall contract before he becomes a banker, and other than ſuch debts and incumbrances as ſhall be ſecured by deeds or conveyances, regiſtered as aforeſaid, which debts and incumbrances contracted, or to be contracted before ſuch perſon becomes a banker, and all ſuch debts and incumbrances ſo ſecured as aforeſaid, ſhall have the ſame effect, priority and preference, as if this act had not been made. Eſtates ſubject to debts.

No privilege of parliament.

XIV. *ſect.* 9. No banker who ſhall abſcond or ſtop payment, ſhall have any privilege as a member of either houſe of Parliament, in any ſuit to be carried on againſt him by any of his creditors at law or in equity, ſave only as to his perſon.

Deeds within three months.

XV. *ſect.* 10. Provided, that where any bankers have ſtopt payment, ſince the firſt day of the preſent ſeſſion of Parliament, and have, or ſhall at any time before the firſt day of *June* 1760, and ſuch bankers as ſhall hereafter ſtop payment, ſhall, within three calendar months next after ſuch ſtopping of payment, by deeds veſt or have veſted their whole real and perſonal eſtates, or ſo much as ſhall be ſufficient to pay all the debts that ſuch banker owed, or ſhall owe at the time of the execution of ſuch deeds, and to defray all the expences of executing the truſts of ſuch deeds in truſtees, for the payment of all the debts due at the time of the execution of ſuch deeds, to the bank or other creditors of ſuch bankers, ſuch deeds ſhall be valid and effectuall.

Eſtates veſted in truſtees.

(2) And the eſtates, real and perſonal, granted by ſuch deeds, ſhall ſtand veſted in ſuch truſtees, their heirs, executors, and adminiſtrators, according to the ſeveral eſtates and intereſts of ſuch bankers, freed and diſcharged from their debts, ſuch debts only excepted as are by this act intitled to a preference before other debts.

Purchaſes good.

(3) And every purchaſer of any part of ſuch real or perſonal eſtates ſhall, upon payment of his purchaſe-money to ſuch truſtees, hold and enjoy ſuch part of ſuch real or perſonal eſtate or eſtates, as ſhall be ſo purchaſed according to the eſtate or intereſt veſted in ſuch truſtees, and to be purchaſed by ſuch purchaſers, freed and diſcharged from any claim or demand of any creditors of ſuch bankers, (except as aforeſaid) and ſuch purchaſers ſhall not be obliged to ſee the application of ſuch purchaſe-money made to the debts or truſts provided for by ſuch deeds.

Priority of payments.

(4) And where the fund veſted in ſuch truſtees ſhall be ſufficient to pay all the debts of ſuch bankers, and to defray the expences of executing ſuch truſts, it ſhall be lawful for ſuch truſtees, from time to time, to apply ſuch ſums as they ſhall receive, as the purchaſe-money of any part of ſuch real or perſonal eſtates, firſt to debts intitled to a preference by this act, according to that order and courſe in which ſuch debt ought to be paid, and in the next place to ſuch or ſo many of the other debts of ſuch bankers, as ſuch truſtees ſhall judge moſt for the advantage and ſpeedy execution of ſuch truſts, to pay firſt, without being obliged to apply ſuch ſums rateably or proportionably to all the debts of ſuch bankers.

Approbation of truſtees.

XVI. *ſect.* 11. Provided, that in all ſuch deeds to be executed by ſuch bankers after the twentieth day of *April* 1760, the truſtees therein named ſhall be approved of by the majority in value of the creditors of ſuch bankers, or by the lord chancellor, or the commiſſioners of the great ſeal, or the commmiſſioners for hearing cauſes in the court of chancery for the time being.

Payments to be with conſent.

XVII. *ſect.* 12. Provided alſo, that ſuch payment be made with the conſent of the majority in value of the creditors of ſuch bankers, or with the approbation of the lord chancellor, or the commiſſioners of the great ſeal, or the commiſſioners for hearing cauſes in the court of chancery for the time being.

Notes before receipts.

XVIII. *ſect.* 13. Provided alſo, that all promiſſory notes that have been iſſued by any bank that has ſtopped payment ſince the firſt day

of this ſeſſion, ſhall be paid before any receipt given or iſſued out of ſuch bank.

Complaints againſt truſtees.

XIX. *ſect.* 14. Provided, that if a majority in value of the creditors of ſuch bankers, ſhall apprehend that they ſhall have juſt cauſe to complain of the conduct or adminiſtration of ſuch truſtees, or of their delays, neglects, or omiſſions, it ſhall be lawful for ſuch majority, in value of ſuch creditors, to prefer a petition, in the names of one or more of them, in behalf of themſelves and all the reſt of the creditors of ſuch bankers, to the lord chancellor, or to the commiſſioners for hearing cauſes in the court of chancery, ſetting forth the miſbehaviour, or miſconduct, delays, neglect or omiſſions of ſuch truſtees, which petitions ſuch truſtees and the bankers, whoſe eſtates the ſame ſhall concern, and all others alſo whom the ſame ſhall concern, ſhall be obliged in due time to anſwer upon oath.

Appointing new truſtees.

(2) And the lord chancellor, and the commiſſioners for hearing cauſes in the court of chancery for the time being, if it ſhall appear to them that ſuch petitions were preferred by order of the majority in value of ſuch creditors, are required to hear and determine ſuch petitions ſummarily, and to appoint new truſtees, and to revoke and annul the powers of the old truſtees, and to make all ſuch orders therein, for the due execution of ſuch truſts as ſhall be juſt, and to enforce an obedience to ſuch orders by the uſual proceſs of that court.

Anſwers on oath.

(3) And if it ſhall become a queſtion at any time, whether ſuch petitions were preferred by the order of a majority, in value of the creditors, on whoſe behalf, or for whoſe benefit the ſame ſhall be preferred, the lord chancellor, or the commiſſioners for hearing cauſes in the court of chancery, are required to enquire into and determine that fact, and to compel the bankers and their truſtees to anſwer upon oath to all particulars that may diſcover that fact, or that may give light to it.

Iſſuing or diſcounting notes.

XX. *ſect.* 15. No perſon, who by reaſon of any office, employment, deputation, or clerkſhip, ſhall be in any wiſe entruſted with the receipt, cuſtody, or payment of publick money, or any part of the publick revenue, ſhall, either ſingly or in partnerſhip, ſo long as ſuch perſon ſhall continue in ſuch office, *&c.* follow the buſineſs of a banker, or by himſelf, or by any perſon authorized by him, iſſue any note or accountable receipt as a banker, or in partnerſhip with any banker, or for profit or reward diſcount any promiſſory note, or foreign or inland bill of exchange, upon the pain of forfeiting twenty pounds for every ſuch note or accountable receipt that ſhall be iſſued, and the like ſum of twenty pounds for every promiſſory note or inland bill of exchange that ſhall be diſcounted, to be recovered by civil bill, by ſuch perſons who ſhall firſt ſue for the ſame.

Demand of notes.

XXI. *ſect.* 16. Every creditor, by accountable receipt or promiſſory note of any bank heretofore kept, that hath quitted buſineſs for ſix years laſt paſt, ſhall in ſix months from the firſt day of *Auguſt* 1760, make a legal demand of what ſhall be then due by ſuch promiſſory note or accountable receipt.

In three years.

(2) And every creditor of any bank now kept, or that hath been kept in this kingdom, at any time before the fifteenth day of *April* 1760, or that ſhall hereafter be kept in this kingdom, ſhall, in three years after the time that ſuch bank hath or ſhall quit buſineſs or ſtop payment, make a legal demand of what ſhall be then due to ſuch creditor, by promiſſory note or accountable receipt.

Failure of making demand.

(3) And on failure of making ſuch demand, every ſuch creditor ſhall be barred and precluded from ſuing for ſuch note or accountable receipt, either in law or equity, and the defendants againſt whom any ſuits ſhall be brought after the reſpective time aforeſaid, on any ſuch note or accountable receipt, may plead payment and give this act in evidence, which ſhall be deemed ſufficient proof of ſuch notes or receipts being paid.

Particular laws.

XXII. *ſect.* 17. Nothing herein contained (the ſaid laſt mentioned clauſe only excepted) ſhall extend to the caſe of any bankers for the relief of the creditors of whom any particular law hath been made, or ſhall be made during the preſent ſeſſion of parliament, but every ſuch caſe ſhall be wholly governed (except as aforeſaid) by ſuch particular laws.

Bankrupts.

Traders, &c. abſconding;

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 8. *ſect.* 1. After the 24th of June 1772, every perſon and perſons uſing the trade of merchandize in groſs or retail, or ſeeking living by buying and ſelling, dealing in exchange, or acting as ſcrivener, ſaleſmaſter, banker, broker or factor, as well natural-born ſubjects as denizens and aliens, who ſhall abſcond or depart from this realm, or begin to keep their houſes, or otherwiſe abſent him or herſelf, ſo that their creditor or creditors cannot have acceſs to them; or take ſanctuary, or ſuffer him or herſelf willingly to be arreſted without any juſt or lawful cauſe, or good conſideration or purpoſe; or ſhall ſuffer themſelves to be outlawed, or yield themſelves to priſon; or willingly or fraudulently procure themſelves to be arreſted; or their goods, money, or chattles, to be attached, ſequeſtered, or taken in execution; or depart from their dwelling-houſe; or make or cauſe to be made any fraudulent grant or conveyance of their lands, tenements, goods or chattles, to the intent, or whereby their creditors ſhall or may be defeated or delayed from recovery of their juſt and true debts; or ſhall by themſelves, or by means of others by their procurement obtain any protections, other than ſuch perſon or perſons as ſhall be lawfully protected by the privilege of parliament; or ſhall prefer or exhibit unto his Majeſty, his heirs or ſucceſſors, or any of the king's courts, any petition or bill againſt their creditors, or any of them, deſiring or endeavouring to compel or enforce them, or any of them, to accept leſs than their juſt and principal debts, or to procure time or longer days of payment than was given at the time of their original contracts; or being arreſted for debt, ſhall after arreſt lie in priſon two months or more, upon that or any other arreſt or detention in priſon for debt; or being arreſted for the ſum of one hundred pounds or more of juſt debt or debts, ſhall at any time after ſuch arreſt eſcape out of priſon; and every trader having privilege of parliament, who ſhall neglect to make ſatisfaction for any juſt debt to the amount of one hundred pounds or more, within two months after ſervice of legal proceſs for ſuch debt ſhall be deemed and adjudged bankrupts; and in the caſes of arreſts, or lying in priſon for ſuch debt or debts, ſhall be deemed bankrupt from the time of his, her, or their ſaid firſt arreſt.

ſanctuary; fraudulent arreſt, or execution; outlawry;

fraudulent conveyance to defeat creditors;

obtaining protections;

bill or petition to compel creditor to accept leſs or procure time;

after arreſt lying in priſon 2 months; eſcaping out of priſon when arreſted for 100l. trader having privilege, not ſatisfying a debt of 100l in 2 months after proceſs ſerved, deemed bankrupts; and from firſt arreſt.

No farmer, grazier or drover, a bankrupt as ſuch.

II. *ſect.* 2. No farmer, grazier, or drover of cattle, intitled, as ſuch, to any of the benefits by this act, or deemed a bankrupt within the ſame, unleſs ſuch perſon ſhall actually and *bona fide* act as a ſcrivener, ſaleſmaſter, banker, broker, or factor, or dealer in exchange, or as a merchant, within the meaning of this act.

III. *ſect.*

III. *ſect.* 3. The lord chancellor, lord keeper or commiſſioners of the great ſeal, upon complaint in writing againſt ſuch perſon or perſons being bankrupt, as is or are before defined, ſhall have full power and authority, by commiſſion under the great ſeal, to name, aſſign, and appoint, ſuch wiſe, honeſt and diſcreet perſons, as to him ſhall ſeem good, who, or the major part of them, by virtue of this act, and the ſaid commiſſion, ſhall have full power and authority to take by their diſcretion, ſuch order and direction with the body and bodies of ſuch perſons, whereſoever he or ſhe may be had, either in his or her houſe, privileged place, or elſewhere, as well by impriſonment of body; as alſo with all his or her lands, tenements, hereditaments, or freehold, and all covenants of renewal of ſuch freehold which he or ſhe ſhall have, or any way intitled to in his or her own right before he or ſhe became bankrupt; and alſo with all ſuch lands, &c. as ſuch perſon ſhall have purchaſed or obtained for money or other recompence, jointly with his wife, children, or child, or any other perſon, to the uſe of ſuch bankrupt, or of or for ſuch uſe, intereſt, right or title, as ſuch bankrupt then ſhall have in the ſame, or in truſt to any ſecret uſe of ſuch bankrupt; and alſo with all lands, &c. whereof he or ſhe ſhall be in any ways ſeized, of any eſtate in tail, in poſſeſſion, reverſion, or remainder, and whereof no reverſion or remainder is or ſhall be in the king, his heirs or ſucceſſors, of the gift or proviſion of his Majeſty, his progenitors, his heirs or ſucceſſors; and alſo with his or her money, goods chattles, wares, merchandizes, and debts, whereſoever they may be found or known, and cauſe the ſaid lands, tenements, and hereditaments, fees, annuities, offices, goods, chattles, wares, merchandizes, and debts, to be ſearched, viewed, rated, and appraiſed, to the beſt value they may, and by deed indented and inrolled in one of the king's courts of record, to make ſale of the ſaid lands, tenements, and hereditaments, and of all deeds, writings, and evidences touching only the ſame, belonging to ſuch bankrupt; and alſo of all fees, annuities, offices, goods and chattles, or otherwiſe to order the ſame for the true ſatisfaction and payment of ſaid creditors; to every of ſaid creditors a portion, rate-like, according to the quantity of their debts, ſo that every creditor and creditors having ſecurity for his or their ſeveral debts, by judgment, ſtatute, recognizance, ſpecialty, with or without penalty or other ſecurity, or having no ſecurity, or having made attachments in Dublin or any other place, by virtue of any cuſtom there uſed, of the goods and chattles of any ſuch bankrupt, whereof there is no execution or extent ſerved and executed upon any the lands, tenements, hereditaments, goods, chattles, and other eſtate of ſuch bankrupt, before ſuch time as he or ſhe become bankrupt, ſhall not be relieved upon any ſuch judgment, ſtatute, recognizance, ſpecialty, attachments, or other ſecurities, for more than a rateable part of their juſt and due debts, with the other creditors of the ſaid bankrupt, without reſpect to any ſuch penalty, or greater ſum contained in ſuch judgment, &c. and every direction, order, grant, bargain, ſale, conveyance, and other thing by the ſaid perſons ſo authorized, ſhall be good and effectual in law againſt ſaid bankrupts, their wives, heirs, and children, and ſuch perſon and perſons as by ſuch joint-purchaſe with ſaid bankrupts ſhall have any eſtate or intereſt in the premiſſes; and againſt all the iſſues of the bodies of ſuch bankrupts, and all perſons claiming any eſtate, right, title, or intereſt, by, from, or under the ſaid bankrupts, after ſuch time as ſuch perſon ſhall become bankrupt, and againſt all other perſons whatſoever, whom the ſaid bankrupt by common

Commiſſioners appointed under great ſeal,

who may impriſon;

order lands, goods, &c. of bankrupts;

appraiſement,

ſale,

for creditors rateably;

acts of commiſſioners valid againſt bankrupt, wife, child, joint purchaſer, iſſue, and all claimants under, &c. remainder or reverſion;

common recovery or other ways or means might cut off or debar from any remainder, reverſion, rent, profit, title, or poſſibility, in, to, or out of any of the ſaid lands, tenements or hereditaments: and if any perſon who ſhall become a bankrupt, and hath heretofore granted, conveyed, or aſſured, or ſhall at any time hereafter, any lands, tenements, hereditaments, goods, chattles, or other eſtate, unto any perſon, upon condition or power of redemption, by payment of money, or otherwiſe, ſaid commiſſioners, or major part of them, may aſſign and appoint, under hands and ſeals, ſuch perſon or perſons as they ſhall think fit, to make tender, or payment of money, or other performance, according to the nature of ſuch condition, as fully as the bankrupt might; and ſaid commiſſioners, or major part, ſhall, after ſuch tender, payment, or performance, have power to ſell and diſpoſe of ſuch lands, tenements, hereditaments, goods and chattles, and other eſtates ſo granted, upon condition to and for the benefit of the creditors, as fully as of any other eſtate of the bankrupt.

commiſſioners may redeem by tender of payment or perform condition,

and afterwards ſell,

for creditors.

IV. *ſect.* 4. No creditors of any ſcrivener, ſaleſmaſter, banker, broker, factor, dealer in exchange or merchandize, within the deſcription of this act, though for valuable conſideration, who ſhall ſue execution upon judgment obtained by default, confeſſion, or *nil dicit*, ſhall avail themſelves of ſuch execution, to the prejudice of other fair creditors, but the perſon ſuing out the ſame ſhall be paid rateably only with other creditors.

Execution on judgment by default, &c.

paid rateably only.

V. *ſect.* 5. Nothing herein contained ſhall extend to ſecurities, by judgment obtained before the bankrupt ſhall become ſcrivener, ſaleſmaſter, banker, broker, factor, dealer in exchange or merchandize, but all debts ſo ſecured, ſhall have the ſame force and effect, priority and preference, as if this act not made.

Judgment before becoming dealer, &c. not affected.

VI. *ſect.* 6. No purchaſe for good and valuable conſideration, ſhall be impeached by this act, unleſs the commiſſion to prove him or her who ſhall become a bankrupt, be ſued forth within five years after he or ſhe ſhall become a bankrupt.

No purchaſe, unleſs commiſſion ſued in 5 years.

VII. *ſect.* 7. If any perſon who ſhall be a bankrupt by intent of this ſtatute, ſhall convey, or cauſe to be conveyed, to any of his or her children, or other perſon, any manors, lands, tenements, hereditaments, offices, fees, annuities, leaſes, goods, or chattles, or transfer his or her debts in other men's names except the ſame ſhall be purchaſed, conveyed, or transferred for or upon marriage of any of his or her children (both parties married being of years of conſent) or ſome valuable conſideration, it ſhall be in the power of the commiſſioners, or major part, to bargain and ſell, grant, convey, demiſe, or otherwiſe diſpoſe thereof in as ample manner as if the ſaid debts were in the bankrupt's own name, or as if ſaid bankrupt had been actually ſeized or poſſeſſed of the like eſtate or intereſt to his or her own uſe, at ſuch time as he or ſhe became bankrupt; and every ſuch diſpoſition of ſaid commiſſioners, ſhall be good to all intents, conſtructions, and purpoſes in law againſt ſuch bankrupt, his heirs, executors, adminiſtrators and aſſigns, and ſuch children and perſons, as ſhall be ſubject to this ſtatute, and againſt all other perſons claiming by, from, or under ſuch bankrupt, or ſuch other perſon or perſons to whom ſuch conveyance made by ſaid bankrupt, or by his or her means and procurement.

Conveyance to children, &c.

transfer of debts in other names, unleſs on marriage or valuable conſideration, commiſſioners may ſell or diſpoſe.

VIII. *ſect.* 8. If any perſon publiſhed and declared bankrupt by virtue of this act, ſhall at any time after purchaſe any lands, tenements, hereditaments, offices, fees, goods, or chattles, or any deſcend or revert, or by any means come to ſuch perſon being bankrupt before ſuch time as their debts due to

Subſequent purchaſes or acquiſitions applied by commiſſioners as the reſt.

their

their creditors fully ſatisfied and paid, or otherwiſe agreed for as herein after mentioned, the ſaid lands, &c. ſhall, by the ſaid commiſſioners or major part be bargained, ſold, extended, delivered, and uſed for and towards payment of ſaid creditors, in ſuch like manner and form as other the lands, &c. of the ſaid bankrupts, which they had when they were declared firſt bankrupt, ſhould or might by this act.

IX. *ſect.* 9. If any perſons ſhall become bankrupt, and at ſuch time ſhall, by the conſent and permiſſion of the true owner and proprietor, have in their poſſeſſion, order, and diſpoſition, any goods or chattles whereof they ſhall be reputed owners, and take upon them the ſale, alteration, or diſpoſitions as owners, ſuch goods excepted as ſhall be in the cuſtody of ſuch bankrupt by conſignment or factorage, in every ſuch caſe the ſaid commiſſioners, ſhall have power to ſell and diſpoſe of the ſame, for benefit of the creditors who ſeek relief by ſaid commiſſion, as fully as any other part of the eſtate of the ſaid bankrupt.

And goods in bankrupt's poſſeſſion or order by conſent of true owner, of which the reputed owners, except by conſignment or factorage.

X. *ſect.* 10. No commiſſion of bankrupt under the great ſeal, ſhall be awarded and iſſued againſt any perſon whatſoever upon the petition of one or more creditors, unleſs the ſingle debt of the creditor, or of two or more perſons, being partners, petitioning for the ſame, amount to one hundred pounds or upwards, or unleſs the debt of two creditors ſo petitioning, amount to one hundred and fifty pounds, or upwards; or unleſs the debt of three or more creditors ſo petitioning, amount to two hundred pounds or upwards; and all the creditor or creditors petitioning, ſhall, before the ſame granted, make an affidavit or (being one of the people called quakers) a ſolemn affirmation in writing, before one of the maſters of chancery (which oath or affirmation they are hereby impowered to adminiſter, and which ſhall be filed with the proper officer) of the truth and reality of ſuch their reſpective debts, and likewiſe give bond to the lord chancellor, in the penalty of two hundred pounds, conditioned for proving his, her, or their debt, as well before the commiſſioners named in ſuch commiſſion, as upon a trial at law, in caſe the due iſſuing forth the ſame conteſted and tried, and alſo for proving the party a bankrupt at the time of taking out ſuch commiſſion, and further to proceed on ſuch commiſſion as herein after mentioned: And if ſuch debt or debts ſhall not be really due or owing, or if after ſuch commiſſion taken out, it cannot be proved, the party was a bankrupt at the time of iſſuing; but on the contrary it ſhall appear, ſuch commiſſion was taken out fraudulently or maliciouſly, then the lord chancellor ſhall, upon the petition of the party aggrieved, examine into the ſame, and order ſatisfaction for the damages ſuſtained; and for the better recovery thereof, may, in caſe there be occaſion, aſſign ſuch bonds to the grieved parties ſo petitioning, who may ſue for the ſame in their names.

A ſingle creditor 100l. two 150l. three or more 200l.

affidavit by petitioning creditors of reality of debts,

bond 200l. to prove,

if debt not really due,

or the commiſſion fraudulent or malicious,

on petition ſatisfaction for damages, and bond aſſigned.

XI. *ſect.* 11. If any bankrupt ſhall, after iſſuing of any commiſſion againſt him, pay the perſon or perſons who ſued out the ſame, or otherwiſe give or deliver to ſuch perſons goods, or any other ſatisfaction or ſecurity for their debt, whereby ſuch perſons, ſhall privately have and receive more in the pound, in reſpect of their debt than the other creditors, ſuch payment of money, delivery of goods, or giving greater or other ſecurity or ſatisfaction, ſhall be deemed and taken to be ſuch an act of bankruptcy, whereby on good proof thereof, ſuch commiſſion ſhall and may be ſuperſeded,

Creditors receiving more or other ſatisfaction, commiſſion ſuperſeded,

another awarded,

the whole debt loſt, and repayment, for benefit of the other creditors.

ſeded, and it ſhall and may be lawful for the lord chancellor, to award any creditor or creditors petitioning another commiſſion; and ſuch perſons ſo taking or receiving ſuch goods or other ſatisfaction, ſhall forfeit and loſe as well their whole debt, as the whole they ſhall have taken or received, and ſhall pay back and deliver up the ſame, or the full value, to ſuch perſons as the ſaid commiſſioners acting under ſuch new commiſſion ſhall appoint, in truſt for and to be divided amongſt the other of the bankrupt's creditors in proportion to their reſpective debts.

Petitioners to proſecute at their coſts,

aſcertained on choice of aſſignees, aſſignee to reimburſe out of the firſt money,

every creditor may prove debts under the commiſſion without contribution.

XII. *ſect.* 12. The creditors who ſhall petition for and obtain any commiſſion ſhall be, and are hereby obliged at their own coſts and expences to ſue forth and proſecute the ſame, until aſſignees choſen of ſuch bankrupt's eſtate and effects, as herein after preſcribed; and the commiſſioners named in any ſuch commiſſion, ſhall, at the ſame meeting, appointed for choice of aſſignees, aſcertain ſuch coſts, and by writing under their hands, ſhall direct and order the aſſignees, who are hereby required to pay and reimburſe ſuch petitioning creditors, ſuch their coſts and charges, out of the firſt monies or effects of ſaid bankrupt, that ſhall be got in and received under the ſaid commiſſion; and every creditor of the ſaid bankrupt ſhall be at liberty to prove their debts under the ſaid commiſſion, without paying any contribution whatſoever for or on account of ſuch debts.

Creditors on *bona fide* ſecurities at a future day to receive a proportion,

on diſcount at 6 per cent.

XIII. *ſect.* 13. All perſons who have given credit, or at any time hereafter ſhall on bills, bonds, notes, or other ſecurities, to any perſons who ſhall become bankrupt upon a good and valuable conſideration, *bona fide*, for any ſum, or other matter or thing whatſoever, which ſhall not be due or payable at or before the time of ſuch perſons becoming bankrupt, ſhall be admitted to prove their reſpective ſecurities, promiſe, or agreement for the ſame, in like manner as if made payable preſently, and not at a future day, and ſhall be intitled unto, and receive a proportionable ſhare, and dividend of ſuch bankrupt's eſtate, in proportion to the other creditors, deducting only thereout rebate of intereſt, and diſcounting ſuch ſecurities payable at future times, after the rate of ſix pounds *per centum per annum*, for what he ſhall ſo receive, to be computed from the actual payment thereof, to the time ſuch debt, duty, or ſum of money, ſhould or would have become due and payable by ſuch ſecurities. And it ſhall be lawful for ſuch perſons to petition for, or join in petitioning for any commiſſion of bankruptcy.

No allowance for expences,

no ſchedule to aſſignment,

commiſſioners eating or drinking at creditors charge, or taking above 20s. each meeting diſabled.

XIV. *ſect.* 14. There ſhall not be paid or allowed by the creditors, or out of the eſtate of the bankrupt, any monies whatſoever for expences in eating or drinking of the commiſſioners, or other perſons at the times of meetings, and no ſchedule ſhall be annexed to any deed of aſſignment of the perſonal eſtate of ſuch bankrupt from the ſaid commiſſioners to the aſſignees of ſaid eſtate: and if any commiſſioner ſhall order any ſuch expence to be made, or eat or drink at any ſuch meeting at the charge of the creditors, or out of the eſtate of ſuch bankrupt, or receive or take above twenty ſhillings each for each reſpective meeting, every ſuch commiſſioner, ſo offending ſhall be diſabled for ever to act as a commiſſioner in ſuch or any other commiſſion founded on this act.

Commiſſioners oath.

XV. *ſect.* 15. The ſaid commiſſioners, ſhall not be capable of acting in execution of any of the powers and authorities, by this act (unleſs it be the power hereby given of adminiſtering oaths to commiſſioners) until ſuch time as they reſpectively ſhall have taken an oath to the effect following:

I A. B.

I A. B. *do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my ſkill and knowledge, execute the ſeveral powers and truſts repoſed in me as a commiſſioner in a commiſſion of bankrupt againſt and that without favour or affection, prejudice or malice.*

So help me God.

Which oath any two or more of the ſaid commiſſioners are hereby impowered and required to adminiſter to each other in the ſame commiſſion named and authorized; and they, the ſaid commiſſioners, ſhall enter and keep memorials thereof ſigned by them reſpectively, among the depoſitions and other proceedings on each reſpective commiſſion, iſſued forth by virtue of this act.

Adminiſter to each other, enter.

XVI. *ſect.* 16. No commiſſion of bankrupt ſhall abate by reaſon of the death of his preſent majeſty (whom God long preſerve) his heirs or ſucceſſors, but ſhall continue in full force; and if neceſſary to renew, by death of the commiſſioners named, ſo that a ſufficient number not living who cannot act therein, or for any other cauſe, ſuch commiſſion ſhall be renewed, and but half of the fees paid upon granting or obtaining commiſſions of bankrupt, ſhall be paid on any ſuch renewed commiſſions; and all bills of fees and diſburſements, claimed or demanded by any ſolicitor, clerk, or attorney employed under any commiſſion, ſhall be ſettled, adjuſted, and certified by one of the maſters of chancery; and ſo much as the maſter ſhall certify to be due to ſuch clerk, ſolicitor, or attorney, and no more, ſhall be paid by the aſſignees under ſuch commiſſion; and the maſter who ſhall ſettle and adjuſt ſuch bill, ſhall have and receive for his care in ſettling and adjuſting the ſame, as alſo for his certificate thereof, the ſum of twenty ſhillings, and no more.

No abatement by the king's death, commiſſioners renewed, half fees, attorney's fees ſettled by a Maſter, and certified, no more paid by aſſignees, maſter's fee 20s.

XVII. *ſect.* 17. If any bankrupt ſhall die before the commiſſioners diſtribute the eſtate and effects, ſaid commiſſioners ſhall notwithſtanding, proceed in the execution of ſaid commiſſion, as they might have done if ſaid bankrupt living.

Tho' bankrupt dies, commiſſioners proceed.

XVIII. *ſect.* 18 Where any commiſſion of bankrupt ſhall iſſue, the commiſſioners therein named, or major part, ſhall forthwith, after they have declared the perſon againſt whom ſuch commiſſion ſhall iſſue, a bankrupt, cauſe notice thereof to be given in Dublin Gazette, and appoint a time and place for creditors to meet, which meeting for the city of Dublin, and all places within the limits of the county of ſaid city, ſhall be at the Tholſel of ſaid city, or Royal Exchange, in order to chooſe aſſignees of ſaid bankrupt's eſtate and effects; at which meeting ſaid commiſſioners ſhall admit the proof of any creditors debt, that ſhall live remote from the place of meeting, by affidavit (or being of the people called quakers, ſolemn affirmation) and alſo permit any perſon, duly authorized by letter of attorney from ſuch creditors, oath or affirmation being made of the due execution thereof, either by an affidavit ſworn, or affirmation made before a maſter in chancery, ordinary or extraordinary, or before the commiſſioners, *viva voce* (which oath or affirmation they are hereby reſpectively authorized to adminiſter) and in caſe of creditors reſiding in foreign parts, ſuch affidavits or ſolemn affirmations being made before a magiſtrate where the party ſhall be reſiding and being, together with the letters of attorney of ſuch creditors, atteſted by a notary publick, the ſaid commiſſioners ſhall permit the perſons ſo duly authorized to vote in the choice of an aſſignee or aſſignees of ſuch bankrupt's eſtate and effects, in place and ſtead of ſuch creditors; and the commiſſioners, or major part, ſhall aſſign every ſuch bankrupt's eſtate and

Notice forthwith in Gazette, and time and place for meeting, for Dublin at the Tholſel, or Royal Exchange to chooſe aſſignees, creditors remote, proof of debt on oath, letter of attorney, before a maſter, or the commiſſioners, in foreign parts before a magiſtrate, atteſted by a notary, to vote in choice of aſſignees inſtead of the creditor, aſſignees choſen by major part in value, account books kept, reſorted to by creditors proving debts.

effects unto ſuch perſon or perſons, as the major part in value of ſuch creditors, according to the ſeveral debts then proved, ſhall chooſe as aforeſaid; and the aſſignee or aſſignees, ſhall keep one or more diſtinct books of account, wherein he or they ſhall duly enter all ſums of money, or other effects, which he or they ſhall have got in, or received out of ſaid bankrupt's eſtate; to which books of account every creditor, who ſhall have proved his or her debt, ſhall at all ſeaſonable times have free reſort, and inſpect the ſame as often as he or ſhe ſhall think fit.

Debt of 10l. to intitle to vote.

XIX. *ſect.* 19. No creditor, or any perſon on behalf of any creditor, permitted to vote in choice of aſſignees, whoſe debt, or the debt of perſons authorizing him to vote, ſhall not amount to ten pounds or upwards.

Aſſignees appointed as commiſſioners ſee cauſe,

removed at ſuch meeting of ſuch creditors,

and deliver all effects to the new aſſignees,

XX. *ſect.* 20. Said commiſſioners may as often as they ſee cauſe, for the better preſerving and ſecuring the bankrupt's eſtate, immediately appoint one or more aſſignees of the debts, eſtate, and effects, of ſuch bankrupt, or any part; which aſſignees or any of them, ſhall and may be removed or diſplaced at the meeting of creditors appointed for the choice of aſſignees, if they or the major part in value, whoſe debts reſpectively amount to ten pounds or upwards as aforeſaid then preſent, of ſuch perſons duly authorized as aforeſaid, ſhall think fit; and ſuch aſſignees as ſo removed, ſhall deliver up and aſſign all the debts, eſtate, and effects of ſuch bankrupt, which ſhall have come to their hands, or poſſeſſion, or aſſigned by ſaid commiſſioners as aforeſaid, unto ſuch other aſſignees ſo choſen by the creditors, and all debts, eſtate, and effects of the bankrupt, delivered up or aſſigned, ſhall be to all intents and purpoſes as effectually and legally veſted in ſuch new aſſignees, as if the firſt aſſignment had been made to them by ſaid commiſſioners; and if ſuch

not delivering in 10 days after notice forfeit 200l. diſtributed as bankrupt's eſtate.

firſt aſſignees ſhall refuſe or neglect ten days next after notice of the choice of ſuch new aſſignees, and of their conſent to accept ſuch aſſignment, ſignified to the firſt aſſignees by writing under their hands, to make ſuch delivery, every ſuch aſſignee or aſſignees ſhall reſpectively forfeit two hundred pounds, over and above the value of the effects of ſuch bankrupt ſo detained; to be divided and diſtributed amongſt the creditors, towards ſatisfaction of their debts, in ſuch manner as the eſtate of the bankrupt is or ought to be divided and diſtributed; and to be recovered by action of debt, bill, plaint, or information in any court of record at Dublin by ſuch perſons as the major part of commiſſioners ſhall appoint to ſue, with full coſts, wherein no privilege, protection, or wager of law, or more than one imparlance ſhall be allowed.

Property veſted by diſpoſition of commiſſioners, as if originally,

XXI. *ſect.* 21. Every grant, aſſignment, or diſpoſition of the debts, eſtates, and effects of any bankrupt by ſaid commiſſioners, or the greater part, ſhall ſo veſt the property, right and intereſt, in the perſon or perſons to whom granted, aſſigned or ordered, as fully to all intents as if originally and legally veſted in ſuch perſon or perſons, and as if the bills, bonds, ſtatutes, recognizances, judgments, deed or deeds, or contract, whereupon ſaid debts ſhall ariſe or grow due, had been made to, or with, or for ſaid perſons to whom ſo diſpoſed; and after ſuch diſpoſition of ſaid debts, neither the bankrupt nor any

not afterwards in power of the bankrupt or any other.

other to whom any ſuch debt ſhall be due, ſhall have power to recover the ſame, or make any releaſe or diſcharge thereof; neither ſhall the ſame be attached as the debt of the bankrupt, or ſuch ſaid other perſon or perſons, to whom the ſame ſhall be due by any other perſon or perſons, according to cuſtom or otherwiſe, but the party or parties to whom the ſame debt ſhall be aſſigned, ſhall have like remedy to recover the ſame as fully and lawfully in the name or

names

names of the aſſignee or aſſignees to whom ſo granted, aſſigned, or ordered by ſaid commiſſioners in all reſpects as the party himſelf might have had.

Payment by debtor to bankrupt *bona fide*.

XXII. *ſect.* 22. No debtor of the bankrupt hereby endangered for the payment of his, her, or their debt, truly and *bona fide* made to ſuch bankrupt, before ſuch debtor ſhall underſtand or know, that he is become a bankrupt.

Bankrupt's eſtate legally veſted in new aſſignees by order of lord chancellor on petition of any creditors,

XXIII. *ſect.* 23. And whereas it may be neceſſary, that aſſignments ſhould be vacated, and new aſſignments made, the lord chancellor may upon petition of any creditors, make ſuch order therein, as he ſhall think juſt and reaſonable; and in caſe a new aſſignment ordered, ſuch debts, effects, and eſtate of ſuch bankrupts ſhall be thereby effectually and legally veſted in ſuch new aſſignees, and it ſhall be lawful for them to ſue for the ſame in their names, and to diſcharge any action or ſuit, and to give acquittance for ſuch debts, as effectually, to all intents, as the aſſignees in the former aſſignment might, in caſe no new aſſignment made; and ſaid commiſſioners ſhall cauſe publick notice to be given in the two Dublin Gazettes, that ſhall immediately follow the removal, and the appointment of ſuch other aſſignees, that ſuch aſſignees are removed, and ſuch other aſſignees appointed in their ſtead; and that ſuch perſons as are indebted to the ſaid bankrupt's eſtate, do not pay ſuch debt or debts to ſuch aſſignees, as removed as aforeſaid.

notice of removal and new aſſignment.

Bankrupts, who ſhall not in 42 days after notice ſurrender and ſubmit to be examined on oath or affirmation,

XXIV. *ſect.* 24. If any perſons who ſhall at any time during the continuance of this act become bankrupt, within the intent and meaning of this act, and againſt whom a commiſſion of bankrupt under the great ſeal of Ireland, ſhall be awarded and iſſued, whereupon the ſaid perſons ſhall be declared bankrupts, ſhall not within forty two days after notice thereof in writing, left at the uſual place of abode of ſuch perſons, or perſonal notice, in caſe ſuch perſons be then in priſon, and notice in the Dublin Gazette, that ſuch commiſſion or commiſſions is, are, or have been iſſued, and of the time and place of meeting of the commiſſioners therein named, or the major part of them, ſurrender themſelves to the ſaid commiſſioners named, or the major part of them, and ſign or ſubſcribe ſuch ſurrender, and ſubmit to be examined from time to time upon oath, or being of the people called quakers, upon ſolemn affirmation by law appointed for ſuch people, by and before ſuch commiſſioners, and in all things conform to this ſtatute; and alſo upon their examination fully and truly diſcloſe and diſcover all their effects and eſtate real and perſonal, and how, and in what manner, to whom and upon what conſideration, and at what time and times, they have diſpoſed of, aſſigned, or transferred any of their goods, wares, merchandizes, monies, or other eſtate and effects, and all books, papers, and writings relating thereto, of which they were poſſeſſed, or in or to which they were any ways intereſted or intitled, or which any perſon or perſons had or hath, or have in truſt for them, or for their uſe at any time before or after the iſſuing of the ſaid commiſſion, or whereby ſuch perſon or perſons, or their families hath or have or may have, or expect any profit, poſſibility of profit, benefit, or advantage whatſoever, except only ſuch part of their eſtate or effects, or ſhall have been really and *bona fide* before ſold or diſpoſed of in the way of their trade and dealings, except ſuch ſums of money as ſhall have been laid out in the ordinary expence of their families; and alſo upon ſuch examination deliver up unto the ſaid commiſſioners, all ſuch part of their wares, goods, merchandizes, money, eſtate and effects, and all books, papers, and writings relating thereunto, as at the time of ſuch examination

and conform in all things, and fully diſcloſe all real and perſonal eſtate, how diſpoſed; all books and papers, any ways intereſted in or in truſt, any poſſibility of profit, except really and *bona fide* before ſold or diſpoſed in the way of their trade and dealings, except ordinary expences, and deliver up all to commiſſioners, neceſſary apparel excepted, and of wife and children, removing, concealing or embezzling any

part 20l. value for account books or writings with intent to defraud creditors, felony without clergy, the goods and eſtate among creditors ſeeking relief.

mination, ſhall be in their poſſeſſion, cuſtody, or power, (their neceſſary wearing apparel, and the neceſſary wearing apparel of the wife and children of ſuch bankrupt only excepted) then he, ſhe, or they, the ſaid bankrupt or bankrupts, in caſe of any default and wilful omiſſion in not ſurrendering and ſubmitting to be examined as aforeſaid, or in caſe they ſhall remove, conceal, or embezzle any part of ſuch his, her, or their eſtate real or perſonal, to the value of twenty pounds, or any books of account, papers, or writings relating thereto, with an intent to defraud his, her or their creditors, and being thereof lawfully convicted by indictment, ſhall be deemed and adjudged guilty of felony, and ſuffer as felons without benefit of clergy, or the benefit of any ſtatute made in relation to felons, and in ſuch caſes, ſuch felons goods and eſtate ſhall go and be divided among the creditors ſeeking relief under ſuch commiſſion.

Three meetings within the 42 days, the laſt the 42d day, 10 days notice of time and place in Gazette.

XXV. *ſect.* 25. Said commiſſioners ſhall appoint within the ſaid forty two days, not leſs than three ſeveral meetings for the purpoſes aforeſaid, the laſt of which ſhall be on the forty ſecond day, hereby limited for ſuch bankrupt's appearance, and ten days notice, at leaſt, ſhall be given in the Dublin Gazette, of the time and place of ſuch meetings.

Time enlarged by order of lord chancellor not exceeding 50 days, 6 days at leaſt before the time for ſurrender.

XXVI. *ſect.* 26. The lord chancellor may enlarge the time for ſuch perſons ſurrendering themſelves, and diſcloſing and diſcovering their eſtate and effects as aforeſaid, as the lord chancellor ſhall think fit, not exceeding fifty days, computed from the end of the ſaid forty two days; ſo as ſuch order for enlarging the time be made in ſix days at leaſt before the time on which ſuch perſons were to ſurrender, and make ſuch diſcovery.

Bankrupts after aſſignees choſen, to deliver forthwith on oath all account books and papers not ſeized or delivered, and diſcover ſuch as in cuſtody or power of any other and on reaſonable notice in writing attend and aſſiſt aſſignees.

XXVII. *ſect.* 27. Every ſuch bankrupt or bankrupts, after any aſſignees of their eſtates and effects choſen and appointed, ſhall be and are hereby required forthwith to deliver up on oath or, (being of the people called quakers) upon ſolemn affirmation before one of the maſters of chancery, or before any juſtice of the peace within his reſpective juriſdiction (which oath or affirmation they are hereby impowered to adminiſter) all their books of accounts, papers, and writings not ſeized by the meſſenger of the ſaid commiſſion, or not before delivered up to the commiſſioners, or the major part, and then in their cuſtody and power, and diſcover ſuch as are in the cuſtody or power of any perſon or perſons, that any ways relate to or concern their eſtate or effects; and all and every ſuch bankrupt or bankrupts not in priſon or cuſtody, ſhall at all times after ſuch ſurrender be at liberty, and are hereby required to attend ſuch aſſignees, upon every reaſonable notice in writing for that purpoſe by ſuch aſſignees unto ſuch bankrupts, or left them at his, her, or their houſe or place of abode, in order to aſſiſt, and ſhall aſſiſt ſuch aſſignees in making out the accounts of ſaid bankrupt's eſtate and effects.

After ſurrender may during time allowed inſpect books and papers in preſence of aſſignees or perſons appointed, aſſiſted by any two, make extracts and copies, free from arreſts or reſtraint in coming to ſurrender and during time

XXVIII. *ſect.* 28. All bankrupts, having ſurrendered as aforeſaid, ſhall, at all ſeaſonable times before the expiration of ſaid forty two days, or ſuch further time as allowed to finiſh their examination, be at liberty to inſpect their books, papers, and writings, in the preſence of ſuch aſſignees, or ſome perſon appointed by ſuch aſſignees for that purpoſe, and to take and bring with them for their aſſiſtance, ſuch perſons as they ſhall think fit, not exceeding two perſons at any one time, and to make ſuch extracts and copies from thence as they ſhall think fit, the better to enable them to make a full and true diſcovery and diſcloſure of their eſtate and effects; and in order thereto the ſaid bankrupts ſhall be free from all arreſts, reſtraint, or impriſonment of any of their

creditors

creditors in coming to ſurrender, and from the actual ſurrender of ſuch bankrupts to ſaid commiſſioners, for and during the ſaid forty two days, or ſuch further time as allowed to ſuch bankrupts for finiſhing their examinations; provided ſuch bankrupt was not in cuſtody at the time of ſuch ſurrender and ſubmiſſion to be examined; and in caſe ſuch bankrupt ſhall be arreſted for debt, or on any eſcape-warrant, coming to ſurrender him or herſelf to ſaid commiſſioners, or after ſurrender ſhall be ſo arreſted within the time before mentioned, on producing ſuch ſummons or notices under the hands of the commiſſioners or aſſignees to the officer who ſhall arreſt him, her, or them, and making it appear to ſuch officer, that ſuch notice or ſummons is ſigned by the ſaid commiſſioners, or the major part, or by ſuch aſſignees, and giving ſuch officer a copy thereof, he or ſhe ſhall be immediately diſcharged; and in caſe any officer ſhall detain ſuch bankrupt in his cuſtody, after he or ſhe ſhall have ſhewn ſuch notice or ſummons, and made it appear it was ſigned as aforeſaid, ſuch officer ſhall forfeit and pay to ſuch bankrupt for his own uſe five pounds for every day ſuch officer ſhall detain ſuch bankrupt, to be recovered by action of debt in any court of record in Dublin in the name of ſuch bankrupt, with full coſts of ſuit.

allowed, if not in cuſtody at the time,

diſcharged on producing the notice or ſummons, and a copy to the Officer,

who detaining afterward ſhall pay the bankrupt 5l. a day.

XXIX. *ſect.* 29. In caſe any bankrupt be in priſon, or cuſtody, at time of iſſuing ſaid commiſſion, and willing to ſurrender and ſubmit to be examined, and can be brought before ſaid commiſſioners and creditors for that purpoſe, the expences thereof ſhall be paid out of ſaid bankrupt's eſtate and effects; but in caſe ſuch bankrupt is in execution, or cannot be brought before the commiſſioners, the acting commiſſioners ſhall from time to time attend ſaid bankrupt in priſon or cuſtody, and take his diſcovery as in other caſes; and aſſignees of ſaid eſtate ſhall and are required to appoint one or more perſon or perſons to attend ſuch bankrupt, being in priſon, or cuſtody, from time to time, and to produce to him his books, papers, and writings, to prepare his laſt diſcovery and examination, according to the directions before mentioned, a copy whereof the aſſignees of ſaid eſtate ſhall apply for, and the ſaid bankrupt ſhall deliver to them, or their order, ten days at leaſt before ſuch laſt examination.

If bankrupt in cuſtody, and can be brought to be examined, the expences out of his eſtate; if he cannot, commiſſioners to attend and take his diſcovery;

aſſignees to appoint perſons to attend, and with his books, &c.

XXX. *ſect.* 30. Upon certificate under hands and ſeals of the commiſſioners, that ſuch commiſſion is iſſued, and ſuch perſon proved before them to be bankrupt, it ſhall be lawful for all or any of the juſtices of king's bench, or common pleas, or barons of exchequer, and all juſtices of peace, and they are hereby impowered and required, upon application for that purpoſe, to grant warrants under hands and ſeals, for apprehending ſuch perſon, and him to commit to the common gaol of the county where ſo apprehended, there to remain until removed by order of ſaid commiſſioners, by warrant under their hands and ſeals; and the gaoler or keeper, to whoſe cuſtody ſuch perſon committed, is required to take ſuch perſons into his cuſtody, and forthwith give notice to one or more of ſaid commiſſioners of ſuch perſons being in their cuſtody, to the intent the ſaid commiſſioners may ſend their warrant to ſuch gaoler or keeper (which they are impowered and required forthwith to ſend) for the delivering ſuch bankrupt to the perſons named in ſuch warrant, who ſhall be therein authorized to bring ſuch perſon to the ſaid commiſſioners in order to ſuch examination and diſcovery; and the ſaid commiſſioners are hereby likewiſe authorized and impowered by ſuch or any other warrant to take and ſeize any the goods, wares, merchandizes and effects of ſuch bankrupt (the neceſſary wearing apparel of ſuch bankrupt, and

On certificate that he is proved bankrupt, warrant to apprehend and impriſon 'till removed by order of commiſſioners;

commiſſioners warrant to ſeize goods, books, &c. wearing apparel excepted.

and of his wife and children only excepted) and any of his books, papers, or writings then in cuſtody or poſſeſſion of ſuch bankrupt, or of any other perſon or perſons in any priſon or priſons whatſoever.

Submitting and conforming, ſhall receive benefit of the act as if voluntary ſurrender.

XXXI. *ſect.* 31. If any ſuch perſon ſo apprehended, ſhall, within the time or times allowed by this act, ſubmit to be examined, and in all things conform, as if ſurrendered as required, then ſuch perſon ſhall have and receive the benefit of this act, to all intents and purpoſes, as if he had voluntarily come in and ſurrendered.

Perſons ſummoned to give information;

XXXII. *ſect.* 32. Said commiſſioners or major part, may ſend for, and call before them, by ſuch warrant, ſummons, ways, or means, as they ſhall think fit, all ſuch perſons as they ſhall know, or ſhall be informed and believe can give any account or information of any act or acts of bankruptcy committed by ſuch perſons, againſt whom any commiſſion of bankruptcy awarded and iſſued out, or of the goods, chattles, wares, merchandizes, eſtate or effects of any ſuch perſons; and upon their appearance, examine them as herein after mentioned, touching or concerning ſuch bankrupt's eſtate and effects; and if any ſuch perſons on payment or tender of payment of ſuch reaſonable charges as the ſaid commiſſioners ſhall think ſufficient, ſhall neglect or refuſe to come and appear, not having a lawful excuſe, to be made known to and allowed by ſaid commiſſioners, ſaid commiſſioners may by warrant under hands and ſeals, apprehend any ſuch perſons ſo offending, and him, her, or them commit to ſuch priſon as to the ſaid commiſſioners ſhall be thought meet, there to remain without bail or mainprize, until ſuch perſons ſubmit to the ſaid commiſſioners, to appear and be examined as herein after mentioned.

not appearing without lawful excuſe,

warrant to impriſon till they ſubmit.

Charges to witneſſes out of bankrupts effects.

XXXIII. *ſect.* 33. Such witneſſes as ſo ſent for, ſhall have ſuch coſts and charges as ſaid commiſſioners in their diſcretion ſhall think fit to be paid out of the effects of ſuch bankrupts.

Examination by word of mouth or interrogatories of bankrupt, his wife on oath;

and of every other perſon ſummoned;

XXXIV. *ſect.* 34. Said commiſſioners may examine, as well by word of mouth, as on interrogatories in writing, all perſons againſt whom any commiſſion of bankrupt is awarded, and the wife of every ſuch perſon, upon oath, or being of the people called quakers, ſolemn affirmation (which oath or affirmation ſaid commiſſioners are hereby impowered to adminiſter) touching all matters relating to the trade, dealings, eſtate, and effects of all ſuch bankrupts; and alſo examine in manner aforeſaid, all and every other perſon duly ſummoned before, or preſent at any meeting of ſaid commiſſioners touching all matters relating to the perſon, trade, dealings, eſtate, and effects of all ſuch bankrupts, and any act or acts of bankruptcy committed by them, and alſo take down and reduce into writing the anſwers or verbal examinations of every ſuch bankrupt or other perſon had or taken before them; which examinations ſo taken down or reduced into writing, the party examined ſhall and is hereby required to ſign and ſubſcribe; and in caſe any ſuch bankrupt or other perſon refuſe to anſwer, or not fully anſwer to ſatisfaction of the commiſſioners, or the major part of them, all lawful queſtions put by ſaid commiſſioners, as well by word of mouth, as by interrogatories in writing, or refuſe to ſign and ſubſcribe their examinations ſo reduced into writing, not having a reaſonable objection either to the wording thereof or otherwiſe, to be allowed by the ſaid commiſſioners, it ſhall be lawful to and for ſaid commiſſioners, by warrant under hands and ſeals to commit them to ſuch priſon as the commiſſioners think fit, there to remain without bail or mainprize, until ſuch perſons ſhall ſubmit to ſaid commiſſioners, and full anſwer make, to ſatisfaction of the commiſſioners, to all ſuch queſtions as ſhall be put as aforeſaid, and ſign

anſwers reduced to writing;

ſigned by the party;

refuſing to anſwer or ſign without reaſonable objection, committed.

and

and ſubſcribe ſuch examination, according to the true intent and meaning of this act.

Queſtions not anſwered ſpecified in the warrant.

XXXV. *ſect.* 35. In caſe any perſon be committed by ſaid commiſſioners for refuſing to anſwer, or not fully anſwering any queſtion put by ſaid commiſſioners by word of mouth, or on interrogatories, ſaid commiſſioners ſhall in their warrant of commitment ſpecify ſuch queſtion or queſtions.

On application to a court or judge recommitted, unleſs it appear the have fully anſwered lawful queſtions, or reſuſing to ſign, good reaſon for

XXXVI. *ſect.* 36. In caſe any perſon committed by the commiſſioners warrant by virtue of this act, ſhall make application to any court or judge having proper juriſdiction, to be diſcharged, and on ſuch application there ſhall appear any ſuch inſufficiency whatſoever in the form of the warrant, whereby ſuch perſon was committed, by reaſon whereof the party might be diſcharged, the court or judge, before whom ſuch party ſhall apply, ſhall, and is hereby required, by rule, order, or warrant, to commit ſuch perſons to the ſame priſon, there to remain as aforeſaid, until they ſhall conform as aforeſaid, unleſs it be made to appear to ſuch court or judge by the party committed, that he, ſhe, or they have fully anſwered all lawful queſtions put by ſaid commiſſioners, or in caſe ſuch perſon was committed for not ſigning examination, unleſs it ſhall appear that the party ſo committed had a good and ſufficient reaſon for refuſing to ſign the ſame. And in caſe any gaoler or keeper of any priſon, to whom any ſuch bankrupt ſo committed, ſhall wilfully ſuffer any ſuch bankrupt to eſcape from ſuch priſon, or go without the walls or doors, until duly diſcharged as aforeſaid, ſuch gaoler or keeper ſhall, being duly convicted thereof, forfeit three hundred pounds for uſe of the creditors of ſuch bankrupt.

on eſcape, 300l. by gaoler to creditors.

Gaoler to produce priſoner on requeſt of creditor proving his debt, and on certificate;

XXXVII. *ſect.* 37. The gaoler or keeper of ſuch priſon, ſhall upon requeſt made, in the day time of any perſon a creditor of ſuch bankrupt, and having proved his debt under ſaid commiſſion, and producing a certificate thereof under the hands of the ſaid commiſſioners (which ſaid commiſſioners are required to give *gratis*) forthwith produce, or ſhew ſuch perſon ſo committed to any ſuch creditor requeſting the ſame; and in caſe ſuch gaoler or keeper ſhall refuſe to ſhew, or not forthwith produce, ſuch perſon ſo committed, and being in his actual cuſtody at the time of ſuch requeſt, to ſuch creditor, ſuch gaoler or keeper ſhall forfeit for ſuch wilful refuſal or neglect one hundred pounds for the uſe of the creditors of ſuch bankrupt, to be recovered by action of debt in any court of record in Dublin, in the name or names of the creditor or creditors requeſting ſuch ſight of ſuch priſoner.

refuſing forfeits 100l. for the creditors.

5 per cent. allowed on voluntary diſcovery of bankrupt's eſtate, and further reward as by aſſignees and majority in value of creditors.

XXXVIII. *ſect.* 38. Every perſon who ſhall at any time after the time allowed to ſuch bankrupt to ſurrender and conform, voluntarily make diſcovery of any part of ſuch bankrupt's eſtate, not before come to the knowledge of the aſſignees, either to the ſaid aſſignees or commiſſioners, ſhall be allowed five pounds *per cent.* and ſuch further and other reward, as the aſſignees, and the major part of the creditors in value preſent at any meeting of the creditors ſhall think fit, to be paid out of the net proceed of ſuch bankrupt's eſtate, which ſhall be recovered on ſuch diſcovery, to the perſon or perſons ſo diſcovering, by the aſſignees of ſuch bankrupt's eſtate, and the aſſignees ſhall be allowed the ſame in their accounts.

Concealed truſts not diſcloſed in 42 days after commiſſion and notice in Gazette,

XXXIX. *ſect.* 39. All perſons who ſhall have accepted of any truſt or truſts, and wilfully conceal or protect any eſtate real or perſonal, of any perſons becoming bankrupts as aforeſaid, from their creditors, and ſhall not within forty two days next after ſuch commiſſion ſhall iſſue forth, and notice thereof given

given in the Dublin Gazette, diſcover and diſcloſe ſuch truſt and eſtate in writing to one or more of the commiſſioners or aſſignees, and likewiſe ſubmit to be examined by the commiſſioners, if thereunto required, and truly diſcover the ſame, ſhall forfeit one hundred pounds, and double the value of the eſtate either real or perſonal ſo concealed, to and for the uſe and benefit of ſaid creditors, to be recovered by action of debt in any court of record at Dublin, in name of the aſſignees of the ſaid commiſſioners, in which caſe, full coſts ſhall be allowed to either party.

penalty 100l. and double value.

full coſts.

Where mutual debts ſet off, balance only paid.

XL. *ſect.* 40. Where it ſhall appear to ſaid commiſſioners, that there hath been mutual credit given by the bankrupt and any other perſon, or mutual debts between the bankrupt and any other, at any time before ſuch perſon became bankrupt, ſaid commiſſioners, or aſſignees, ſhall ſtate the account between them, and one debt may be ſet againſt another; and what ſhall appear to be due on either ſide on the balance of ſuch account, and on ſettling ſuch debts one againſt another, and no more, ſhall be claimed or paid on either ſide reſpectively.

Perjury puniſhed,

XLI. *ſect.* 41. If any perſon, at any time ſhall, before the acting commiſſioners, or by affidavit or affirmation exhibited to them, ſwear or depoſe, or being of the people called quakers, affirm, that any ſum of money is due to him or her from any bankrupt, which is not really due or owing, or ſhall ſwear or affirm that more is due than is really due or owing, knowing the ſame to be not due or owing, and that ſuch oath or affirmation is falſe and untrue, and ſhall be thereof convicted by indictment or information, ſuch perſon ſhall ſuffer the pains and penalties inflicted by the ſeveral ſtatutes made and now in force againſt wilful perjury; and moreover be liable to pay double the ſum ſo ſworn or affirmed to be due and owing, to be recovered and levied as other penalties and forfeitures are upon penal ſtatutes after conviction to be levied and recovered; and ſuch double ſum ſhall be rateably divided among all the creditors ſeeking relief under the ſaid commiſſion.

and double the ſum

to the creditors.

Warrants to break open, ſeize, and impriſon.

XLII. *ſect.* 42. In execution of the ſaid commiſſion it ſhall be lawful to and for ſaid commiſſioners, or any other perſons or officers by them, or the greater part of them to be deputed, and appointed by their warrants under hands and ſeals, to break open the houſes, chambers, ſhops, warehouſes, doors, trunks, or cheſts of ſaid bankrupt, where ſaid bankrupt or any of his or her goods or eſtate ſhall be, or reputed to be, and to ſeize upon, and make ſuch order concerning the body, goods, chattles, ready money, and other eſtate of ſuch bankrupt, whether it be by impriſonment of body, or otherwiſe, as to the ſaid commiſſioners ſhall be thought meet.

5 per cent allowed bankrupts conforming,

paid by aſſignees, if the neat produce ſufficient for 10s. per l. ſo as not above 200l.

if 12s. 6d. per l. 7l. 10s. allowed, ſo as not above 250l.

XLIII. *ſect.* 43. All perſons becoming bankrupt as aforeſaid, who ſhall within the time limited by this act ſurrender to the acting commiſſioners authorized, and in all things conform as in and by this act directed, ſhall be allowed five pounds *per cent.* out of the neat produce of all the eſtate that ſhall be recovered in and received; which ſhall be paid by aſſignees, in caſe the neat produce of the ſaid eſtate for ſuch allowance made ſhall be ſufficient to pay the creditors of ſaid bankrupt, who proved their debts under ſaid commiſſion, ten ſhillings in the pound; and ſo as the ſaid five pounds *per cent.* ſhall not amount in the whole to above two hundred pounds; and in caſe the neat produce ſhall over and above the allowance hereafter mentioned be ſufficient to pay ſaid creditors twelve ſhillings and ſix pence in the pound, then all perſons ſo conforming ſhall be allowed ſeven pounds ten ſhillings *per cent.* ſo as ſuch ſeven pounds

ten

ten ſhillings *per cent.* ſhall not amount in the whole to above two hundred and fifty pounds; and in caſe the neat produce ſhall over and above the allowance hereafter, be ſufficient to pay ſaid creditors fifteen ſhillings in the pound, then all perſons ſo conforming ſhall be allowed ten *per cent.* ſo as ſuch ten pounds *per cent.* ſhall not amount in the whole to above three hundred pounds; and every ſuch bankrupt ſhall be diſcharged from all debts due or owing at the time they became bankrupt; and if afterwards arreſted, proſecuted, or impleaded for any debt due before ſuch time as they became bankrupt, ſhall be diſcharged upon common bail, and ſhall and may plead in general, that the cauſe of ſuch action or ſuit did accrue before ſuch time as they became bankrupt, and give this act and the ſpecial matter in evidence; and the certificate of ſuch bankrupt's conforming, and the allowance thereof, according to the directions of this act, ſhall be, and allowed ſufficient evidence of the trading, bankruptcy, commiſſion, and other proceedings precedent to the obtaining ſuch certificate; and a verdict ſhall thereupon paſs for defendant, unleſs the plaintiff in ſuch action ſhall prove the ſaid certificate was obtained unfairly and by fraud, or can make appear any concealment by ſuch bankrupt to the value of ten pounds, and if a verdict paſs for defendant, or plaintiff nonſuited, or judgment againſt plaintiff, defendant ſhal recover full coſts.

if 15s. per l. 10l. per cent. allowed, ſo as not above 300l.

diſcharged all debts at the time; if arreſted, common bail, and plead in general, and ſpecial matter in evidence;

certificate evidence of proceedings;

verdict for defendant unleſs fraud in obtaining certificate or concealment 10l.

full coſts on nonſuit, &c.

XLIV. *ſect.* 44. If the neat produce of ſuch bankrupt's eſtate ſo to be diſcovered, recovered, and received, together with what ſhall be otherwiſe recovered and received, ſhall not amount to ſo much as will pay all the creditors who proved their debts under the ſaid commiſſion, ten ſhillings in the pound after all charges firſt had and deducted, then ſuch bankrupt ſhall not be allowed five pounds *per cent.* out of ſuch eſtate, but allowed and paid by the aſſignees ſo much as the aſſignees and commiſſioners, authorized as aforeſaid, ſhall think fit to allow, not exceeding three pounds *per cent.*

If not 10s. per l. allowance not exceeding 3 per cent.

XLV. *ſect.* 45. If any commiſſion of bankruptcy ſhall iſſue againſt any, who ſhall have been before diſcharged by this act, or ſhall have compounded with their creditors, or delivered to them their eſtate or effects, and been releaſed by them, or diſcharged by any act for relief of inſolvent debtors, then bodies only of ſuch perſons conforming as aforeſaid ſhall be free from arreſt and impriſonment by this act, but the future eſtate and effects of ſuch perſons ſhall remain liable to creditors, as before the making this act (the tools of trade, the neceſſary houſehold goods and furniture, and neceſſary wearing apparel of ſuch bankrupt and his wife and children, only excepted) unleſs the eſtate of ſuch perſons againſt whom ſuch commiſſion awarded, ſhall produce clear after all charges ſufficient to pay every creditor under ſaid commiſſion fifteen ſhillings in the pound.

If commiſſion againſt thoſe before diſcharged, compounded, &c. bodies only free from arreſt;

future eſtate liable as before, unleſs 15s. per l. except tools, furniture and apparel.

XLVI. *ſect.* 46. No diſcovery upon oath or ſolemn affirmation by any bankrupt of eſtate and effects, purſuant to this act, ſhall intitle ſuch bankrupt to the benefit allowed by this act, unleſs the commiſſioners, in writing under hands and ſeals, certify to lord chancellor, that ſuch bankrupt hath made a full diſcovery of eſtate and effects, and in all things conformed according to directions of this act, and that there doth not appear any reaſon to doubt the truth of ſuch diſcovery, or that the ſame is not a full diſcovery; and unleſs four parts in five in number and value of the creditors,

No benefit allowed on bankrupt's diſcovery, unleſs commiſſioners certify, and 4 parts in 5 in number and value of creditors for 20l. or perſon authorized, ſign and conſent;

creditors, for not leſs than twenty pounds reſpectively, and who have duly proved their debts under ſuch commiſſion, or ſome other perſon by them reſpectively duly authorized thereto, ſhall ſign ſuch certificate, and teſtify their conſent to ſuch allowance and certificate, and to the ſaid bankrupt's diſcharge in purſuance of this act, to be alſo certified by ſuch commiſſioners; but the ſaid commiſſioners ſhall not certify the ſame, 'till they have proof by affidavit or affirmation in writing, of ſuch creditors, or of the perſon by them reſpectively authorized, ſigning the ſaid certificate, and of the power and authority by which any perſon ſhall be authorized by any creditor to ſign; which affidavit or affirmation, together with ſuch warrant or authority to ſign, ſhall be laid before the lord chancellor, with the ſaid certificate, in order for the allowing and confirming the ſame; and unleſs ſuch bankrupt make oath, or, being of the people called quakers, ſolemnly affirm in writing, that ſuch certificate, and conſent of the creditors thereunto, were obtained fairly, and without fraud; and unleſs ſuch certificate ſhall, after ſuch oath or affirmation of the bankrupt, be allowed and confirmed by the lord chancellor, or by ſuch two of the juſtices of the king's bench or common pleas, or barons of exchequer, to whom the conſideration of ſuch certificate ſhall be referred by the lord chancellor; and any of the creditors of ſuch bankrupt ſhall be allowed to be heard, if they think fit, before the reſpective perſons as aforeſaid, againſt the making ſuch certificate, and confirmation thereof; nor ſhall any commiſſioner ſign ſuch certificate, 'till after four parts in five in number and value of ſaid creditors have ſigned the ſame as aforeſaid.

affidavit of ſuch creditor or perſon, and proof of the power; laid before lord chancellor with the certificate, bankrupt's oath; certificate allowed and confirmed by lord chancellor or 2 judges, to whom referred;

creditors heard againſt it.

XLVII. *ſect.* 47. Where creditors of any bankrupt reſide in foreign parts, letters of attorney, atteſted by a notary public in the uſual form, ſufficient evidence of the power and authority, by which any perſon thereby authorized, ſhall ſign any bankrupt's certificate.

Letter of attorney of creditor, abroad atteſted by notary evidence of the power.

XLVIII. *ſect.* 48. Every bond, bill, note, contract, agreement, or other ſecurity whatſoever, made or given by any bankrupt or other perſon, unto, or to the uſe of, or in truſt for any creditor, or for ſecurity of payment of any debt or ſum of money due at the time of his becoming bankrupt, or any part thereof, between the time of his becoming bankrupt and ſuch bankrupt's diſcharge, as a conſideration, or to the intent to perſuade him, her, or them, to conſent to or ſign any ſuch allowance or certificate, ſhall be wholly void and of no effect; and the monies ſhall not be recovered or recoverable; and the party ſued ſhall and may plead the general iſſue, and give this act and ſpecial matter in evidence.

Securities by bankrupt to creditors to induce them to ſign, void.

XLIX. *ſect.* 49. If any bankrupt, who ſhall have obtained a certificate from the acting commiſſioners, and ſuch certificate allowed and confirmed, ſhall be taken in execution, or detained in priſon on account of any debt due or owing before he or ſhe became bankrupt, by reaſon that judgment was obtained, before ſuch certificate was allowed and confirmed, it ſhall be lawful for any one of the judges of the court, wherein judgment ſo obtained, on ſuch bankrupt's producing certificate, to order any ſheriff, bailiff, or officer, gaoler, or keeper of any priſon, who ſhall have ſuch bankrupt in cuſtody by ſuch execution, to diſcharge, without any fee or reward; and ſuch ſheriff, &c. are required to diſcharge accordingly, and are hereby indemnified from any action for any eſcape for ſo doing.

When certificate confirmed, if taken or detained on judgment before diſcharged by order of a judge of the court, without fee; no eſcape.

L. *ſect.* 50. Where any perſons fraudulently ſwear, or depoſe, or, being of the people called quakers, affirm, before the commiſſioners, or by affidavit or affirmation exhibited to them, that money is due to them from any bankrupt, which ſhall in fact not be really ſo due and owing, and ſhall, in reſpect of ſuch fictitious and pretended debt, ſign conſent to the certificate for ſuch bankrupt's diſcharge, unleſs the bankrupt ſhall, before the major part of ſaid commiſſioners have ſigned ſuch certificate, by writing, by him to be ſigned and delivered to one or more of the commiſſioners, or to one or more of the ſaid aſſignees, of his eſtate and effects under ſuch commiſſion, diſcloſe the ſaid frauds, and object to the reality of ſuch debt, ſuch certificate ſhall be null and void to all intents, and ſuch bankrupt ſhall not be entitled to be diſcharged, or have and receive any of the benefits or allowances to bankrupts by this act.

Conſent to certificate on a fictitious debt, if not diſcloſed by bankrupt, certificate void.

LI. *ſect.* 51. Nothing in this act ſhall be conſtrued to extend, or give, or grant any privilege, benefit, or advantage to any bankrupt whatſoever, againſt whom a commiſſion ſhall iſſue, who upon the marriage of any of his children, ſhall have given, advanced, or paid above the value of one hundred pounds, unleſs he ſhall prove by books fairly kept, or otherwiſe upon oath, or, being of the people called quakers, upon ſolemn affirmation, before the commiſſioners, that he had at the time thereof over and above the value ſo given, advanced, or paid, remaining in goods, wares, debts, ready money, or other eſtate real or perſonal, ſufficient to pay and ſatisfy unto every perſon, to whom he was any wiſe indebted, their full and entire debts, or who ſhall loſe in any one day the value of five pounds, or in the whole the value of three hundred pounds, within twelve months next preceding becoming bankrupt, in playing at cards, dice, tables, tennis, bowls, billiards, ſhovel-board, or by cock-fighting, horſe-races, dog-matches, or foot-races, or other paſtimes, or games whatſoever; or bearing a ſhare or part in ſtakes, wagers, or adventures, or betting on the ſides or hands of ſuch as play, act, ride, or run as aforeſaid.

No benefit to bankrupt giving above 100l. on child's marriage, unleſs proof of ſufficient at the time to pay entire debts, or loſing 5l. in a day at cards, &c. or 300l. in year preceding.

LII. *ſect.* 52. And that aſſignees may make ſpeedy dividends, before the creditors ſhall proceed to choice of aſſignees, the major part in value of creditors, then preſent, ſhall direct in what manner, how, and with whom, and where the monies, ariſing by and to be received from time to time out of the bankrupt's eſtate, ſhall be paid in and remain until divided amongſt all the creditors; to which rule and direction ſuch aſſignees afterwards to be choſen ſhall conform, as often as one hundred pounds ſhall be got in and received, and ſhall be indemnified, for what they ſhall do in purſuance of ſuch direction.

Directions by creditors before aſſignees choſen, conformed to by aſſignees as often as 100l. received,

LIII. *ſect.* 53. Aſſignees ſhall after four, and within twelve months from the time of iſſuing ſuch commiſſion, cauſe at leaſt twenty one days notice to be given in Dublin Gazette, of time and place the commiſſioners and aſſignees intend to meet to make a dividend or diſtribution; at which time the creditors, who have not before proved their debts, ſhall be at liberty to prove the ſame; which meeting for the city of Dublin, and all places within the county of ſaid city, and liberties thereof, ſhall be at the Tholſel or Royal Exchange; and upon every ſuch meeting the aſſignees ſhall produce to ſaid commiſſioners and creditors preſent, fair and juſt accounts of all receipts and payments touching the bankrupt's eſtate and effects, and of what ſhall remain outſtanding, and the particulars; and ſhall, if the creditors preſent or major part require be examined upon oath, or, being of the people called quakers,

Notice by aſſignees in Gazette in 12 months of time and place, debts then proved, at the Tholſel or Exchange; aſſignees at meeting to produce accounts; examined on oath if required by creditors;

quakers, upon ſolemn affirmation, before ſaid commiſſioners, touching the truth of ſuch accounts; and in ſuch accounts the aſſignees allowed to retain all ſuch ſums, as they ſhall have paid and expended in ſuing out and proſecuting ſuch commiſſion, and all other juſt allowances on account of and by reaſon or means of their being aſſignees; and ſaid commiſſioners ſhall order ſuch part of the neat produce, as by ſuch accounts or otherwiſe ſhall appear to be in the hands of ſaid aſſignees as they ſhall think fit, to be forthwith divided amongſt ſuch of the bankrupt's creditors, who have duly proved their debts under ſuch commiſſion, in proportion to their ſeveral and reſpective debts; and the commiſſioners ſhall make ſuch order for a dividend in writing under their hands; and cauſe one part of ſuch order to be filed amongſt the proceedings under ſaid commiſſion, and deliver unto each aſſignee a duplicate of ſuch order likewiſe under the hands of ſaid commiſſioners; which order of diſtribution ſhall contain an account of the time and place of making ſuch order, and the ſum total or quantum of all the debts proved; and the ſum total of the money remaining in hands of aſſignees to be divided, and how much in particular in the pound is then ordered to be paid to every creditor; and ſaid aſſignees in purſuance of ſuch order, and without any deed or deeds of diſtribution to be made for that purpoſe, ſhall forthwith make ſuch dividend and diſtribution accordingly, and alſo take receipts, in a book to be kept for that purpoſe, from each creditor for the part or ſhare of ſuch dividend or diſtribution which they ſhall make and pay to each creditor reſpectively; and ſuch order and receipt ſhall be a full and effectual diſcharge to ſuch aſſignee for ſo much as he ſhall fairly pay purſuant to ſuch order.

juſt allowance to aſſignes;

dividend in proportion among creditors proving their debts;

order in writing,

one part filed, duplicate to each aſſignee, contents of the order;

diſtribution made forthwith.

receipts from each creditor entered.

LIV. *ſect.* 54. It ſhall be lawful for the aſſignees of any bankrupt's eſtate, with conſent of the major part in value of the creditors, who have duly proved their debts, and who ſhall be preſent at any meeting of ſaid creditors, purſuant to ſuch notice in the Gazette, to ſubmit any difference or diſpute between ſuch aſſignees, and any perſons whatſoever for or on account, or by reaſon or means of any matter, cauſe, or thing relating to ſuch bankrupts or their eſtate or effects, to the final end and determination of arbitrators, choſen by ſaid aſſignees, and the major part in value of ſuch creditors preſent, and the party or parties with whom they ſhall have ſuch difference, and to perform the award of ſuch arbitrators, or otherwiſe to compound and agree the matters in difference and diſpute, in ſuch manner as ſaid aſſignees, with ſuch conſent, ſhall think fit and can agree; and the ſame ſhall be binding to all the creditors of the ſaid bankrupts; and the aſſignees are hereby indemnified for what they ſhall fairly do according to the direction aforeſaid.

Aſſignees with conſent of majority in value of creditors at meeting may ſubmit diſputes to arbitrators,

perform award, compound or agree,

binding on creditors.

LV. *ſect.* 55. Any aſſignee or aſſignees, made or choſen as aforeſaid, hereby impowered with the conſent of major part of ſuch bankrupt's creditors in value, preſent at a meeting for that purpoſe, of which public notice ſhall be given in Dublin Gazette, to make compoſition with any perſon or perſons, debtors or accountants to ſuch bankrupts where the ſame ſhall appear neceſſary and reaſonable, and to take ſuch reaſonable part as can upon ſuch compoſition be got in full diſcharge of ſuch debts and accounts.

Compoſition where reaſonable, with conſent at meeting on notice.

LVI. *ſect.* 56. After ſuch bankrupts have obtained their certificates, duly confirmed as herein mentioned, ſuch bankrupts ſhall and are hereby obliged to give their attendance upon every reaſonable notice in writing to them, or left at their uſual place of abode, by the aſſignees, or their order, requiring them to attend the aſſignees, in order to make up, adjuſt, or ſettle any account or accounts between ſuch bankrupts and any debtor to or creditor of ſuch bankrupt's eſtate, or to attend any court or courts of record, to be examined

Bankrupts after certificate on reaſonable notice in writing to attend aſſignees to ſettle account,

examined touching the ſame, or for ſuch other buſineſs, which ſuch aſſignees ſhall judge neceſſary for getting in eſtate and effects for benefit of their creditors; for which ſaid attendance the bankrupt ſhall be allowed and paid two ſhillings and ſix pence *per diem* by ſuch aſſignees out of the eſtate; and in caſe ſuch bankrupt neglect or refuſe to attend, or on ſuch attendance refuſe to aſſiſt in ſuch diſcovery, without good and ſufficient cauſe ſhewn to the commiſſioners, for ſuch neglect or refuſal, to be by them allowed as ſufficient, ſuch aſſignees making due proof thereof upon oath (or, being of the people called quakers, ſolemn affirmation) before ſaid commiſſioners, the ſaid commiſſioners are hereby impowered and required to iſſue a warrant or warrants, to ſuch perſon or perſons as they ſhall think proper, for apprehending ſuch bankrupts, and them to commit to the county goal, there to remain in cloſe cuſtody without bail or mainprize, until they duly conform to ſatisfaction of ſaid commiſſioners, and be by the ſaid commiſſioners, or ſpecial order of the lord chancellor, or otherwiſe by due courſe of law diſcharged; and ſuch gaoler or keeper of ſuch priſon, to which ſuch bankrupts committed, is hereby required to keep ſuch perſon in cloſe cuſtody within the walls of ſaid priſon, until duly diſcharged as aforeſaid, under the pains and penalties before mentioned for ſuch gaoler or keeper ſuffering ſuch priſoners committed purſuant to this act to eſcape, and go at large.

or any court of record to be examined; allowed for attendance 2s. 6d. a day; not attending, or refuſing to aſſiſt in diſcovery, without good cauſe, on oath of aſſignees,

warrant by commiſſioners to apprehend and impriſon 'till they conform, or diſcharged;

gaoler to keep in cloſe cuſtody 'till duly diſcharged.

LVII. *ſect.* 57. Within eighteen months after iſſuing any ſuch commiſſion, the aſſignees ſhall make a ſecond dividend of the bankrupt's eſtate and effects, in caſe the ſame was not wholly divided upon the firſt, and ſhall cauſe a notice to be inſerted in the Dublin Gazette of the time and place, the ſaid commiſſioners intend to meet and make a ſecond dividend and diſtribution, and for the creditors, who ſhall not before have proved their debts, to come and prove the ſame; and at ſuch meeting every ſuch aſſignee or aſſignees ſhall produce upon oath, or affirmation, as aforeſaid, his or their account or accounts of the bankrupts eſtate and effects, and what upon the balance ſhall appear to be in his or their hands, ſhall, by the like order of the commiſſioners, be forthwith divided among ſuch of the bankrupt's creditors, who have made due proof of their debts, in proportion to their ſeveral and reſpective debts; which ſecond dividend ſhall be final, unleſs any ſuit at law or in equity depending, or any part of the eſtate ſtanding out that cannot have been diſpoſed of, or that the major part of the creditors ſhall not have agreed to be ſold and diſpoſed of in manner aforeſaid, or unleſs ſome other or future eſtate or effects of ſaid bankrupt ſhall afterwards come to, or veſt in ſaid aſſignees, in which caſe ſaid aſſignees ſhall, as ſoon as may be, convert ſuch future or other eſtate and effects into money in manner aforeſaid, and within two months next after any the ſame ſhall be converted into money as aforeſaid, by like order of the commiſſioners, divide the ſame rateably among ſuch bankrupt's creditors, who ſhall have made due proof of their debts under ſuch commiſſion.

2d dividend in 18 months on notice in Gazette, and for creditors to prove;

aſſignees to produce accounts on oath; balance forthwith divided in proportion;

2d dividend final, unleſs ſuit depending, or part of eſtate ſtanding out, or future eſtate veſt in aſſignees, converted into money,

and rateably divided.

LVIII. *ſect.* 58. No ſuit in equity ſhall be commenced by any aſſignee, without conſent of major part in value of creditors preſent at a meeting purſuant to notice in Dublin Gazette for that purpoſe.

No ſuit in equity without conſent of major part in value at meeting.

LIX. *ſect.* 59. That there may be a certain place, where the creditors, or any perſon claiming any eſtate or intereſt under ſuch commiſſion, may have recourſe; and that ſuch proceeding may be of record and given in evidence, upon the petition of any perſon to the lord chancellor, praying that ſuch commiſſions and the depoſitions taken thereon, or any part of ſuch depoſitions and ſuch

On petition proceedings recorded;

a copy evidence;

certificates or copy evidence, and a bar againſt demands before ſuch commiſſion,

unleſs fraudulently obtained; coſts.

Lord chancellor to appoint a place in Dublin, and a perſon to record,

deputy,

and reaſonable fee,

during good behaviour,

on death or removal another appointed.

In ſuits for any thing done, defendants may plead not guilty, or juſtify, reply,

ſuch certificates ſo to be allowed and confirmed, or any other matters or things relating to the ſaid commiſſions, or proceedings thereupon, may be entered of record, the lord chancellor ſhall and may direct and order ſuch commiſſions, depoſitions, proceedings, and certificates, or other matters and things relating thereunto to be entered of record; and in caſe of the death of the witneſſes proving ſuch bankruptcy, or in caſe the ſaid proceedings or other matters ſhall be loſt or miſlaid, a true copy of the records of ſuch commiſſions, depoſitions, and proceedings or other matters, ſigned and atteſted as herein after mentioned, ſhall and may upon all occaſions be given in evidence to prove ſuch commiſſion, and the bankruptcy of ſuch perſon againſt whom ſuch commiſſion awarded, or other matters or things relating thereunto; and all certificates, allowed and confirmed, and entered of record as aforeſaid, or a true copy of every certificate ſigned and atteſted as herein after mentioned, ſhall and may be given in evidence in any court of record, and be without any further proof deemed, adjudged, and taken a full and effectual bar and diſcharge of and againſt any action or ſuit, by any creditor or creditors of ſuch bankrupt for any debt or demand contracted, due, or demandable before the iſſuing ſuch commiſſion, unleſs any creditor or creditors, or the perſon that hath ſuch certificate, ſhall prove, that ſuch certificate was fraudulently obtained; in which caſe coſts ſhall be allowed to either party as in other common caſes.

LX. *ſect.* 60. The lord chancellor ſhall appoint a certain proper place within the city or liberties of the city of Dublin, where all the matters aforeſaid ſhall be entered of record, and where all perſons ſhall be at liberty to ſearch and ſee if the ſame are duly entered of record; and the lord chancellor, ſhall by writing under his hand, appoint a proper perſon who ſhall by himſelf or his ſufficient deputy, appointed by the lord chancellor, by writing under his hand, enter of record ſuch commiſſions, depoſitions, proceedings, and certificates, and other matters and things relating thereunto, and have the cuſtody of the entries thereof, and alſo appoint ſuch fee and reward to be paid to ſuch perſon for his labour and pains therein, as the lord chancellor ſhall think reaſonable, not exceeding what is uſually paid in like caſes; and that the perſon ſo to be appointed, and his deputy, ſhall continue to enter of record all the matters and things aforeſaid, and to have the cuſtody of the ſame ſo long as he or they reſpectively behave themſelves well in entering the ſame of record, and keeping ſuch entries, and ſhall not be removed but by order in writing under the hand of the lord chancellor on a good and ſufficient cauſe therein ſpecified; and in caſe ſuch perſon ſhall die, or be as aforeſaid removed, the lord chancellor, ſhall and may in writing, under his hand appoint another perſon to enter the ſame of record, who ſhall have the cuſtody of the entries thereof, and have and receive like fee and reward for his labour and pains therein.

LXI. *ſect.* 61. If any action or treſpaſs or other ſuit ſhall happen hereafter to be brought againſt any commiſſioner authorized by this ſtatute, or any other perſon or perſons having authority by virtue of or under ſuch commiſſion for doing or executing any matter by force of this ſtatute, the defendant or defendants in any ſuch action or ſuit may plead Not Guilty, or otherwiſe juſtify, that the act or thing, whereof the plaintiff or plaintiffs complain, was done by authority of this act, without expreſſing or rehearſing any other matter or circumſtance contained in this act, or enforcing him or them to ſhew forth their commiſſion authorizing the ſaid act or thing; whereunto the plaintiff ſhall be admitted to reply, that the defendant did the fact ſuppoſed in

the

the declaration of his own wrong, without any ſuch cauſe alledged by ſuch defendant or defendants, whereupon the iſſue in ſuch action ſhall be joined, to be tried by verdict of twelve men; and upon the trial of that iſſue the whole matter ſhall be given in evidence by both parties, according to the very truth of the ſame; and the perſon, for whom the verdict upon ſuch iſſue ſhall paſs, ſhall have his coſts.

iſſue,
trial,
the whole in evidence,
coſts.

LXII. *ſect.* 62. The diſcharge of any bankrupt by force of this act from the debts by him due and owing at the time that he did become bankrupt, or at the iſſuing of ſuch commiſſion, ſhall not be conſtrued, meant, or intended to releaſe or diſcharge any other perſon or perſons, who was or were partner or partners with the ſaid bankrupt in trade at the time he became bankrupt, or then ſtood jointly bound, or had made any joint contract together with ſuch bankrupt for the ſame debt or debts, for which he was diſcharged as aforeſaid, but, notwithſtanding ſuch diſcharge, ſuch partner and partners, joint obligor and obligors, and joint contractors with ſuch bankrupt and bankrupts, ſhall be and ſtand chargeable with, and liable to pay, ſuch debt and debts, and to perform ſuch contracts, as if the ſaid bankrupt had never been diſcharged from the ſame.

Partners joint-obligors and contractors not diſcharged.

LXIII. *ſect.* 63. No perſon, who ſhall be really and *bona fide* a creditor of any bankrupt for and in reſpect of goods really and *bona fide* ſold to ſuch bankrupt, or of any bill or bills of exchange, really and *bona fide* drawn, negociated, or accepted by ſuch bankrupt in the uſual and ordinary courſe of trade and dealing, ſhall be liable to refund or repay to the aſſignees of ſuch bankrupt's eſtate any money, which before the ſuing forth ſuch commiſſion, was really and *bona fide*, and in the uſual and ordinary courſe of trade and dealing received by ſuch perſon from any ſuch bankrupt, before ſuch time as the perſon receiving the ſame ſhall know, underſtand, or have notice, that he is become a bankrupt, or that he is in inſolvent circumſtances.

Bona fide creditor for goods really ſold to or bills drawn or accepted by bankrupt in uſual courſe of trade, not to refund.

LXIV. *ſect.* 64. The obligee in any bottomry or *reſpondentia bond*, and the aſſured in any policy of inſurance in the courſe of trade, made and entered into upon a good and valuable conſideration, *bona fide*, ſhall be admitted to claim, and after the loſs or contingency happened, to prove their debt and demands, in reſpect to ſuch bond or policy of aſſurance, in like manner as if the loſs or contingency had happened before the time of the iſſuing the commiſſion of bankruptcy againſt ſuch obligor or inſurer, and ſhall be intitled unto, have and receive a proportionable part, ſhare, and dividend, in proportion to the other creditors, in like manner as if ſuch loſs or contingency had happened before the commiſſion iſſued; and all perſons againſt whom any commiſſion of bankruptcy awarded, ſhall be diſcharged of and from the debt or debts owing by them on every ſuch bond or policy of inſurance, and ſhall have the benefit of this ſtatute, as if ſuch loſs or contingency had happened, and the money had become payable before the iſſuing ſuch commiſſion.

In bottomry or policies claim admitted after loſs or contingency happened, to prove debt, as if before commiſſion iſſued,
and a proportionable dividend,
and bankrupt diſcharged.

LXV. *ſect.* 65. It ſhall be lawful for the lord chancellor, from time to time to ſettle and regulate the fees, which ſhall be taken by, and paid to, the ſeveral officers and perſons concerned in the iſſuing and ſuing forth every ſuch commiſſion, and upon all petitions and proceedings in the execution thereof, other than ſuch fees as are hereby ordered.

Fees ſettled by lord chancellor.

LXVI. *ſect.* 66. This act ſhall continue in force ſeven years from the 24th of June, one thouſand ſeven hundred and ſeventy-two, and to the end of the then next ſeſſion, and no longer.

7 years from 24 June 1772, &c.

LXVII. *Stat.*

Property acquired after 2d bankruptcy, ſubject to debts contracted after 1ſt bankruptcy.

LXVII. *Stat.* 17 & 18 *G.* 3. *cap.* 45. *ſect.* 9. Whereas the property, which a bankrupt ſhall acquire or become entitled to, after having become a bankrupt, and obtained certificate, is not ſubject to debts contracted prior to having become a bankrupt: whenſoever any perſon, who had at any time before been a bankrupt, and obtained certificate, ſhall again become a bankrupt, and not have effects ſufficient to ſatisfy demands of his creditors, in every ſuch caſe the property which ſhall come to or be acquired by ſuch bankrupt, after having become a ſecond time a bankrupt, ſhall be ſubject to all ſuch debts as contracted by him after the time of having firſt become a bankrupt.

Frauds by traders not keeping regular accounts, 11 & 12 G. 3. c. 8. after 1ſt Jan. 1779, no benefit of ſaid act, unleſs honeſt and fair account books kept of all dealings, bills, debts, and credits, and houſe expences.

LXVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 48. *ſect.* 1. Whereas great frauds have been committed by traders not keeping regular books of account, and the effect of an act, *to prevent frauds by bankrupts*, hath been thereby defeated: After the firſt *January*, one thouſand ſeven hundred and ſeventy-nine, no perſon againſt whom a commiſſion of bankrupt awarded, intitled to any benefit of ſaid act, unleſs it appear to major part of the commiſſioners that ſuch perſon hath from the time aforeſaid kept honeſtly and fairly a book or books, in which hath been entered an account of all his dealings, bills of exchange drawn, endorſed, or accepted by him, of his debts and credits, and expences in houſe-keeping.

And inventory therein once in 2 years of all effects, debts, and credits, profits and loſſes from time to time.

LXIX. *ſect.* 2. Unleſs it appear to major part of ſaid commiſſioners, that ſuch perſon ſhall make out an inventory once in every two years at leaſt in ſuch book of all his effects, moveable and immoveable, debts and credits, ſpecifying profits and loſſes on the ſame from time to time, not intitled to benefit of ſaid act.

Before ſervice of proceſs on privileged trader for a debt to adjudge him a bankrupt within 11 & 12 G. 3. c. 8. ſect. 1. affidavit by creditor or partner filed on record in Dublin of being juſtly due and a trader within ſaid act.

LXX. *ſect.* 3. Whereas by an act eleventh and twelfth of his preſent majeſty, *to prevent frauds by bankrupts*, any trader having privilege of parliament, who ſhall neglect to make ſatisfaction for any juſt debt to the amount of one hundred pounds ſterling, or more, within two months after ſervice of legal proceſs for ſuch debt, adjudged a bankrupt: before any ſuch proceſs ſhall be ſerved on any trader, having privilege for any ſuch debt, an affidavit ſhall be made by the creditor, or in caſe the debt or debts be owing to partners then by one partner, and filed on record in ſome one of courts of record in Dublin, that ſuch debt is juſtly due and owing to him alone, or to him and partner or partners, by ſuch perſon intended to be ſerved, and that ſuch debtor as he or ſhe verily believes, is a trader within the true intent and meaning of ſaid ſtatute.

If privileged trader in 2 months after ſervice of proceſs give bond and 2 ſureties, approved by the court, to pay the ſum with coſts. not deemed bankrupt, and commiſſion ſuperſeded, and the uſual bond aſſigned to him for his damages and coſts, otherwiſe creditor may ſue out a commiſſion and proceed as againſt other bankrupts.

LXXI. *ſect.* 4. In caſe any trader, having ſuch privilege and ſo ſerved with proceſs, ſhall, within two months after ſervice, enter into a bond in ſuch ſum, and with two ſuch ſufficient ſureties as any judge or judges of that court, out of which ſuch proceſs ſhall iſſue, ſhall approve of, to pay ſuch ſum as ſhall be recovered in ſuch action in which ſuch proceſs ſhall iſſue, together with ſuch coſts as ſhall be given, ſuch trader, having ſuch privilege, ſhall not be or be accounted and adjudged a bankrupt; and in caſe any commiſſion iſſue, upon ſhewing to the lord chancellor, that ſuch bond was entered into within due time, ſuch commiſſion ſhall be ſuperſeded; and the uſual bond, given by the perſon ſuing out ſuch commiſſion, ſhall be aſſigned to the perſon againſt whom ſuch commiſſion iſſued, as a ſecurity for ſuch damages and coſts as he ſhall or may have ſuſtained thereby; but in caſe ſuch ſatisfaction not made, nor ſuch bond given within the

time

time appointed after ſuch affidavit made, and after ſervice of ſuch proceſs, then any creditor may ſue out a commiſſion againſt any ſuch perſon, and proceed thereon in like manner as againſt other bankrupts.

If any merchant, &c. after laſt day of this ſeſſion commit act of bankruptcy, any creditor may ſue out commiſſion, and proceed as againſt others, privilege notwithſtanding.

LXXII. *ſect.* 5. If any merchant, banker, broker, factor, ſcrivener, or trader, ſhall, after the laſt day of this ſeſſion, commit any act of bankruptcy, any creditor or creditors of ſuch perſon may ſue out a commiſſion againſt ſuch merchant, banker, broker, ſcrivener, or trader; and the commiſſioners in ſuch commiſſion, and other perſons, may proceed thereon in like manner as againſt other bankrupts, any privilege of parliament to contrary notwithſtanding.

Continuance of this act and 11 & 12 G. 3. c. 8. two years, &c. from 24 June 1778.

LXXIII. *ſect.* 6. Provided this act, and the ſaid recited act of eleventh and twelfth of his preſent majeſty, and the ſeveral proviſions hereby ſhall continue in force two years, from twenty-fourth June, one thouſand ſeven hundred and ſeventy-eight, and to the end of then next ſeſſion, and no longer.

A place may be appointed by lord chancellor, where proceedings of commiſſioners of bankrupt lodged, open to inſpection as by ſaid acts, with direction in whoſe care.

LXXIV. *Stat.* 19 & 20 *Geo.* 3. *cap.* 25. *ſect.* 1. Whereas the laws concerning bankrupts require ſeveral amendments: a proper place may be appointed by lord chancellor, keeper, or commiſſioners for cuſtody of the great ſeal, where proceedings of commiſſioners of bankrupt ſhall be lodged, ſo that the ſame may be at all times open to inſpection of ſuch as have a right by aforeſaid acts; in which appointment proper direction may be given, in whoſe care or cuſtody ſuch proceedings ſhall remain.

When 1ſt dividend not made within 12, the 2d in 18 months after the commiſſion, majority of commiſſioners ſhall 1ſt Monday after, &c. ſummon aſſignees, and examine on oath as to conduct, aſſignees ſhall furniſh particulars of bankrupt's eſtate, receipts and payments, bankers receipts for lodgments and vouchers, account ſigned by aſſignees entered by commiſſioners, if aſſignees have not lodged money received as directed, if creditors, commiſſioners may ſtop out of their debts 10l. every 100l. kept 2 days; to be divided among the others in proportion to debts, if not creditors, or not entitled to dividend equal to penalty, civil bill brought in the clerk's name to amount of the penalty; divided among the creditors, determined though above 20l. depoſitions and account certified and verified by the clerk and concluſive. Bankrupt's debt or not paying aſſignees in 3 months, and demand made, ſhall pay 6 per cent. intereſt from demand.

LXXV. *ſect.* 2. Whereas aſſignees have neglected to make dividends and to lodge money received in purſuance of ſaid acts: as often as the firſt dividend not made within twelve months, or a ſecond not within eighteen after iſſuing ſaid commiſſion, the commiſſioners or major part ſhall, on the firſt Monday after ſaid twelve or eighteen months reſpectively, or as ſoon after as conveniently may be, after iſſuing the commiſſion, ſummon the aſſignees and examine upon oath, or if a quaker ſolemn affirmation, reſpecting their conduct; and ſaid aſſignees ſhall furniſh account of particulars of bankrupt's eſtate and effects, money received, and payments made, with their vouchers, and the banker's receipts for ſums lodged; which account ſigned by ſaid aſſignees, commiſſioners ſhall enter among proceedings, and if it appear to them that any aſſignees have not lodged the money received out of bankrupts effects in manner directed by aforeſaid acts, commiſſioners ſhall have power, ſhould aſſignee be a creditor under ſaid commiſſion, to ſtop and detain out of his or their reſpective debt or debts ten pounds for each hundred pounds ſaid aſſignees appear to them to have kept twenty one days, to be divided among the other creditors of ſaid bankrupt in proportion to their debts; and if not creditors under ſaid commiſſion, or though creditors not intitled to receive a dividend equal to aforeſaid penalty, ſaid commiſſioners ſhall have power to order their clerk to bring a civil bill in name of the clerk to amount of ſaid penalty, which when recovered is to be divided among the creditors as aforeſaid; and the judge, before whom ſuch civil bill brought, ſhall be obliged to hear and determine, though it ſhould exceed twenty pounds, and ſaid depoſitions and account taken and certified by ſaid commiſſioners, verified upon oath of ſaid clerk, ſhall be concluſive evidence.

LXXVI. *ſect.* 3. Debtor of every bankrupt who ſhall not pay debts to aſſignees of each commiſſion within three months after iſſuing and demand made by or on behalf of ſuch aſſignees, ſhall be obliged to pay over and above

Difficulty to aſſignees recovering ſmall debts; where the debt not above 20l. copy of aſſignment concluſive evidence of the commiſſion, and bankruptcy, if inrolled, fee for inrolling 20s. copy 10s.

above their ſaid debt intereſt, at rate of ſix pounds *per centum per annum* from ſuch demand made.

LXXVII. *ſect.* 4. Where the debt ſhall not exceed twenty pounds, a copy of aſſignment of bankrupt's eſtate and effects under ſaid commiſſion, ſhall be concluſive evidence of iſſuing the commiſſion, and of the perſon therein named being a bankrupt; provided ſaid aſſignment entered on record in office of clerk of inrollments of bankruptcy, whoſe fee ſhall not exceed twenty ſhillings, or for ſaid copy more than ten ſhillings.

In debts againſt bankrupt by account, creditors ſhall produce copy of account ſigned by him, and ſwear to the truth to belief, &c.

LXXVIII. *ſect.* 5. In all caſes of debts againſt bankrupts alledged to be due by account creditors of bankrupt ſhall produce a copy of ſaid account ſigned by himſelf, and ſwear to truth thereof according to beſt of his knowledge and belief.

LXXIX. *ſect.* 6. Perſons who act as agent or clerk, or take out commiſſion of bankruptcy, ſhall be conſidered as ſecretary or clerk to ſaid commiſſion, and under controul and directions of commiſſioners, and obliged to take oath following;

Agent or clerk, or taking out commiſſion, Oath.

I A. B. *do ſwear that during ſuch time as I ſhall be employed as agent or clerk to the commiſſion, or in any wiſe concerning the proceedings in a commiſſion of bankrupt, iſſued and awarded and now in proſecution againſt*
I will faithfully and honeſtly, according to the beſt of my ſkill and knowledge, write, take down, and tranſcribe all ſuch depoſitions and evidences of the ſaid bankrupt, as of all others who ſhall be ſworn and examined by or before the commiſſioners under and by virtue of the ſaid commiſſion, as I ſhall by the commiſſioners in the ſaid commiſſion named, or the majority of them, be directed to write, take down or tranſcribe, and alſo that I will in like manner, during ſuch time, ſafely and faithfully preſerve and keep from all kind of defalcation and embezzlement, all ſuch depoſitions, evidences, and proceedings, while the ſame ſhall be by ſaid commiſſioners committed to my care; and that I will not knowingly uſe, or permit to be uſed, any fraud, deceit, or impoſition, in ſuppreſſing or concealing the truth, or ſuggeſting of a falſehood, in reſpect to any matter or thing, which may in any wiſe tend to or prevent the due and effectual execution of the ſeveral powers and truſts by law repoſed in ſaid commiſſioners.

So help me God.

Acting as meſſengers, and iſſuing commiſſion, or when iſſued acting as agent, incapable of being meſſenger.

LXXX. *ſect.* 7. Perſons acting as meſſengers, and who iſſue commiſſion of bankruptcy, or when iſſued act as agent in ſuch commiſſion, ſhall from ſuch time be incapable ever after of holding office of meſſenger; and every meſſenger ſhall, before commiſſioners execute their warrant of ſeizure to him, take before them the following oath;

Meſſenger's oath before warrant of ſeizure.

I A. B. *do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my ſkill and knowledge, execute the ſeveral orders which I ſhall receive from the commiſſioners, or the major part of them, in this ſaid commiſſion awarded and iſſued againſt* C. D. *and that I will not knowingly uſe, or permit to be uſed any fraud, deceit, or impoſition, in ſuppreſſing or concealing the truth, or ſuggeſting any falſehood in reſpect to any matter or thing which may in any wiſe tend to or prevent the due and effectual execution of the ſeveral covenants and truſts by law repoſed in ſaid commiſſioners, or that I will not by myſelf, or any other perſon in truſt for*

for me, have any intereſt, employment, or concern in the ſaid commiſſion in any other capacity whatſoever, except that of meſſenger.

So help me God.

LXXXI. *ſect.* 8. Whereas inconveniencies have ariſen to creditors living out of this kingdom, who applied for commiſſions: an affidavit, or ſolemn affirmation of any creditor not reſiding in this kingdom being made before the magiſtrate of the city, town or place, and certified by one or more notary publicks, where the creditor lives, of amount of debt tranſmitted to Ireland, and exhibited to the lord chancellor, and ſuch creditor procuring one or more ſufficient perſons to execute a bond to the lord chancellor, as in the former act required for petitioning creditors, thereupon the lord chancellor ſhall have full power to iſſue a commiſſion of bankruptcy.

On affidavit of creditor not reſiding here before the magiſtrate of the place certified by a notary where creditor lives, of amount of debt, tranſmitted and exhibited to lord chancellor, and bond as by former act required for petitioning creditors, commiſſion may be iſſued.

LXXXII. *ſect.* 9. Whereas inconveniencies may ariſe from members of the houſe of commons, againſt whom commiſſions may iſſue, continuing to hold their ſeats: where a commiſſion of bankruptcy ſhall iſſue againſt any ſuch member, and not ſuperſeded within ſix months from the iſſuing, and creditors proving debts under the ſame not paid or ſatisfied to full amount within ſix months after iſſuing, or otherwiſe, with reſpect to ſuch of the debts (if any) as diſputed by ſuch bankrupts, they ſhall not, within the time aforeſaid, enter into a bond or bonds, in ſuch ſum and with two ſufficient ſureties, as ſaid commiſſioners or major part approve, to pay ſuch ſums as ſhall be recovered or eſtabliſhed in any action, ſuit, or proceeding in law or equity concerning ſuch debts with ſuch coſts as given, the commiſſioners or major part, ſhall, immediately after expiration of ſix months from iſſuing ſaid commiſſion, certify to the ſpeaker, that ſuch commiſſion iſſued, and not ſuperſeded within the time aforeſaid; and that creditors proving their debts under ſaid commiſſion were not paid or ſatisfied to the full amount within ſix months from the time of iſſuing; and that ſuch bonds had not been entered into within that time, with reſpect to ſuch debts, if any as the bankrupts diſpute, and thereupon the ſeat of ſuch bankrupts ſhall be conſidered vacant in all reſpects, and the ſpeaker ſhall iſſue writs to elect members in the place of ſuch; and ſuch bankrupts, or any againſt whom a commiſſion ſhall iſſue, ſhall thenceforth be incapable of being elected to ſerve in parliament, until their creditors paid or ſatisfied the full amount of debts claimed and proved under the ſeveral commiſſions of bankruptcy againſt them.

On commiſſion againſt a member, not ſuperſeded, and creditors proving debts not fully paid within 6 months, or, if debts diſputed, bankrupt not entering into bond with ſureties to pay ſums recovered or eſtabliſhed with coſts, commiſſioners ſhall after the 6 months certify the ſame to the ſpeaker, bankrupt's ſeat thereupon vacant, ſpeaker to iſſue writs to elect, bankrupts incapable of being elected, till creditors paid fully, debts proved under commiſſion.

LXXXIII. *ſect.* 10. Commiſſioners already or hereafter appointed by his Majeſty for hearing cauſes in chancery in abſence of lord chancellor, keeper, or commiſſioners for cuſtody of great ſeal, or any two or more, ſhall and may hear and determine all petitions and motions in caſes of bankrupts, and make all ſuch orders and directions in all matters reſpecting the bankrupt laws in abſence or ſickneſs, and in all caſes where lord chancellor, keeper, or lords commiſſioners in any wiſe intereſted, as fully and effectually as the lord chancellor, keeper, or lords commiſſioners, might if preſent, or in no wiſe intereſted.

Commiſſioners in abſence of lord chancellor, &c. or any 2 or more, may hear and determine motions and petitions, and make orders, in caſes of bankrupts in abſence or ſickneſs of lord chancellor, &c. or where intereſted.

LXXXIV. *ſect.* 11. All mercantile companies or partnerſhips ſhall ſet forth in their invoices, bills of parcels, promiſſory notes, and cuſtom-houſe entries, the names of the individuals of which ſuch partnerſhip or company doth conſiſt.

Mercantile companies or partnerſhips ſhall ſet forth in invoices, bills of parcels, notes, and entries, names of the individuals.

This act, and 11 & 12 G. 3. c. 8. and 17 & 18 G. 3. c. 48. continued 2 years from 24 June 1780, and to end of then next ſeſſion.

LXXXV. *ſect.* 12. This act, and the ſaid recited act of the eleventh and twelfth of his Majeſty, and alſo an act to *prevent frauds committed by bankrupts who do not keep regular books of account*, and the proviſions thereby made, ſhall continue and be in force two years from twenty-fourth June, one thouſand ſeven hundred and eighty, and from thence to end of then next ſeſſion, and no longer.

19 & 20 G. 3. c. 25. continued with 11 & 12 G. 3. c. 8. & 17 & 18 G. 3. c. 48. continued to 24 June, 1787, and end of next ſeſſion.

LXXXVI. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 4. An act nineteenth and twentieth of his Majeſty, *to explain an act to prevent frauds by bankrupts*, continued, together with the therein recited acts of the eleventh and twelfth of his Majeſty, and alſo an act, *to prevent frauds by bankrupts who do not keep regular books of account*, to the twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and end of then next ſeſſion.

Bankrupts 1 May 1782, or then in cuſtody and commiſſion ſince iſſued, duly conforming, and not for contumacy, now in priſon for previous debt, &c. or ſecreting and arreſted or held to bail, and ſurrendering or in execution, may apply to a judge of the court and ſummon plaintiffs to ſhew cauſe againſt diſcharge, bankrupt's oath of debt previous to commiſſion, plaintiffs not appearing or proving concealment, &c. diſcharged on common appearance, ſo if after arreſted for ſuch debt,

in other reſpects ſubject to bankrupt laws, gaolers, &c. ſhall on notice ſet free and indemnified.

LXXXVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 59. *ſect.* 26. Whereas bankrupts who have not obtained certificates and diſcharge under one of the acts relating to bankrupts, have not been deemed within the acts of inſolvency, as ſuch bankrupts have no ſchedules to deliver up: as many bankrupts are confined for debt only, though they already delivered up their whole eſtate and effects, or from fear of being arreſted, abſcond and go into foreign parts: perſons againſt whom a commiſſion of bankruptcy iſſued on or before firſt of May, one thouſand ſeven hundred and eighty two, or really actual priſoners in cuſtody of any gaoler or keeper of priſon on or before, and againſt whom a commiſſion of bankruptcy ſince iſſued, and who have duly conformed, or ſhall conform to the ſeveral acts relating to bankrupts, and not committed to any priſon by warrant of the commiſſioners for contumacy or non-compliance to their laws, and who now are in priſon for debt, damages, contempts, coſts of ſuit, or any ſum due and accrued previous to ſuch commiſſion, or now ſecreting in fear of creditors, and ſhall be hereafter ſued, arreſted, or held to bail, or ſhall ſurrender, or be ſurrendered in diſcharge of their bail, or taken in execution in any ſuit or action for any ſuch debt or debts, ſhall and may apply to any one of judges of the court wherein ſuch proceſs iſſued, to ſummon their plaintiffs to ſhew cauſe why ſuch bankrupts ſhould not be diſcharged from impriſonment or arreſt, ſuch bankrupts firſt making oath before ſuch judge, or if at a diſtance, before a juſtice of peace, that ſuch debt or debts did accrue previous to iſſuing ſuch commiſſion; and ſuch plaintiffs not appearing, or not proving ſuch bankrupts have concealed any parts of their eſtates or effects, or have not duly conformed to the laws now in force againſt bankrupts, ſuch judge ſhall and may diſcharge ſuch bankrupts from ſuch impriſonment or arreſt, ſuch bankrupts cauſing a common appearance to be entered where neceſſary in every ſuch ſuit or action; and if ſuch bankrupts be afterwards again ſued or arreſted, or taken in execution or impriſoned, in any ſuit or action for ſuch debts previous to ſuch commiſſion, any judge of the court wherein ſuch proceſs iſſued, ſhall upon ſummons of the proper party or parties immediately diſcharge ſuch bankrupts; nevertheleſs ſuch bankrupts ſhall in all other reſpects be deemed and ſubject to the laws in force againſt bankrupts; and every ſheriff, ſheriff's bailiff, officer, gaoler, and keeper is required on proper notice of ſuch judge's diſcharge, to releaſe and ſet free ſuch bankrupts, and each of them is indemnified from any action for any eſcape on account thereof.

Bankrupts 1 May 1782 conforming,

LXXXVIII. *ſect.* 27. Perſons againſt whom a commiſſion of bankruptcy on or before firſt of May, one thouſand ſeven hundred and eighty two, and who

who in all things conformed to the acts in force concerning bankrupts by surrender or ſubmiſſion thereto, and not committed for contumacy or non-conformity, yet who have not obtained a total diſcharge from creditors, or debts ariſing or accruing previous to ſuch commiſſion for want of their certificate, ſhall have liberty after twelve calendar months from date of every ſuch commiſſion, to petition or apply by motion to lord chancellor, keeper, or lords commiſſioners, ſetting forth the true circumſtances relative to ſuch commiſſion and certificate, having previouſly given notice to the agent of ſaid commiſſion and to the aſſignees of ſuch application; and lord chancellor ſhall have power and authority to order the acting commiſſioners to certify the conformity or non-conformity of ſuch bankrupts, and other matters neceſſary, ſaid commiſſioners being authorized and required ſo to do; and the lord chancellor, or lords commiſſioners, ſhall thereupon have power, if they think fit, to direct an advertiſement to be inſerted in Dublin Gazette for allowance of ſuch bankrupt's certificate, although not ſigned or conſented to by four fifths in number and value of creditors agreeable to the laws, in ſame manner and form as if ſaid certificate had been ſigned; and in caſe no ſufficient cauſe ſhewn to the contrary within the time limited by ſaid advertiſement, the lord chancellor or commiſſioners, ſhall have power to allow ſuch certificate as if ſigned agreeable to the laws, and make ſuch order thereupon for relief and diſcharge of ſuch bankrupts from debts as aforeſaid, or otherwiſe, as ſhall ſeem proper; which certificate, if ſo allowed, ſhall be as full and effectual to all intents as if duly obtained and allowed agreeable to the laws in force concerning bankrupts; any law or uſage to contrary notwithſtanding.

and not committed for contumacy, but not diſcharged for want of certificate, may after 12 months apply to lord chancellor, &c.

notice to the agent and aſſignees,

acting commiſſioners ordered to certify conformity or non-conformity and neceſſary matters,

allowance of certificate advertiſed, tho' not ſigned by 4-5ths of creditors,

if cauſe not ſhewn in time, certificate allowed, and order for relief and diſcharge from debts, &c.

as effectual as if duly allowed.

Banks.

Eng. Stat. Magna Charta, 9 *Hen.* 3. *cap.* 16. No banks ſhall be defended from henceforth, but ſuch as were in defence at the time of King *Henry* our grandfather, by the ſame places and bounds as in his time.

No defence of new banks.

Barracks, &c.

I. *Stat.* 4 *Geo.* 1. *cap.* 7. *ſect.* 1. It ſhall be lawful for the lord lieutenant, or chief governors of this kingdom, as often as there ſhall be occaſion, by commiſſions under the great ſeal, to appoint any number of commiſſioners to execute the powers hereby given.

Appointment of Commiſſioners.

(2) Which commiſſioners, or any three of them, are required to take ſurveys of, and particularly to deſcribe and bound the ground whereon barracks are built or building, or contracted for, and ſuch light-houſes as are built, or that ſhall be thought neceſſary to be built on any head-land or promontory, with convenient yards, paſſages, and appurtenances, where the ſame have not heretofore been aſcertained and bounded.

Survey of lands.

(3) And the ſaid commiſſioners, or any three of them, are impowered to treat and agree with the owners and others intereſted in any ſuch lands, *&c.* for the abſolute purchaſe of ſuch lands, *&c.* or for ſuch yearly rents to be paid for the ſame for ever as they ſhall think fit.

Agreements with owners.

(4) The purchaſe money, or the ſaid yearly rents to be paid and payable half-yearly by his Majeſty, unto ſuch proprietors and tenants of ſuch lands, *&c.*

Payment out of the treaſury.

&c. according to ſuch agreements, and to the ſeveral and reſpective eſtates and intereſts of ſuch proprietors and tenants of the ſaid premiſſes, out of any of his majeſty's treaſure and revenue as is herein after appointed.

Inqueſt by a jury.

(5) And in caſe any perſons, bodies politic or corporate, ſhall refuſe to treat or agree as aforeſaid, or through any diſability by non-age, coverture, or ſpecial limitation in any ſettlement, or by reaſon of any other impediment cannot, or refuſe to diſpoſe of their reſpective intereſts in ſuch lands, the ſaid commiſſioners, or any three of them, are required to iſſue forth their warrants to the ſheriffs of the reſpective counties wherein ſuch lands, &c. do lie, to impannel and return before the ſaid commiſſioners, at ſuch times and places within the ſaid county as ſhall be appointed in ſuch warrants, a ſufficient jury, who upon their oaths, which the ſaid commiſſioners, or any three of them are required to adminiſter, ſhall inquire into the true yearly value of ſuch lands, &c. according to the real yearly value of ſuch lands, &c. for a leaſe thereof to be made to his Majeſty, and as the ſame would yield in caſe no ſuch barracks, light-houſes or other improvements had been made thereon.

Verdicts and contracts concluſive.

(6) And ſuch verdicts or inquiſitions as ſhall be ſo found and returned by the ſaid jury, aſcertaining the rent to be paid for the ſame, as alſo all ſuch contracts and conveyances as the ſaid commiſſioners, or any three of them ſhall make, ſhall be returned and certified to the exchequer by the commiſſioners, &c. within thirty one days after ſuch verdict or inquiſition found, or contracts made, be entered among the records of the ſaid court, which contracts, verdicts, or inquiſitions, ſhall be concluſive as well to his majeſty, as to the proprietors and tenants, notwithſtanding any diſability or incapacity.

Notice of warrants.

II. *ſect.* 2. Any three of the ſaid commiſſioners ſhall give notice in writing thirty one days before their iſſuing any ſuch warrants for the impannelling or returning any jury, &c. which writing ſhall be affixed on the door of the reſpective pariſh-churches within which the ſaid lands, &c. are ſituate; and in caſe there be no pariſh-church within the ſaid pariſh, on the door of the next pariſh-church thereunto.

Lands veſted in the crown.

III. *ſect.* 3. All the ſaid lands, &c. for which any ſuch contracts ſhall be made, or verdict or inquiſition found according to ſuch ſurveys, and as the ſame ſhall be bounded by the commiſſioners as aforeſaid, immediately after payment of ſuch ſums as ſhall be agreed to be paid for the purchaſe of the ſame, or contract entered into for payment of an annual rent, as alſo from the time of ſuch verdict or inquiſition found and returned into the exchequer, ſhall be veſted in his Majeſty for the uſe of the ſaid barracks and light-houſes, unalienable from the crown, notwithſtanding any diſability or incapacity.

Rents on the military liſt.

IV. *ſect.* 4. The yearly rents ſo to be contracted for or aſſeſſed by ſuch verdict or inquiſition, ſhall be inſerted on the military liſt of the eſtabliſhments of his Majeſty's expence of this kingdom, and payable unto ſuch proprietors and tenants according to their ſeveral intereſts in the lands, &c. without any further warrant than this act, and without any deduction on account of pells, poundage or other fees.

Payment of purchaſe-money.

(2) And the treaſurer, &c. where the ſaid commiſſioners ſhall purchaſe ſuch lands ſhall pay the purchaſe-money according to ſuch agreements; and alſo pay the ſaid yearly rents according to ſuch contracts, verdicts, or inquiſitions, yearly or half yearly, as the rent ſhall be contracted for by the ſaid commiſſioners, &c. or according as the ſame ſhall be aſſeſſed by ſuch verdict and

and inquiſition unto ſuch proprietors and tenants, without any warrant in that behalf to be obtained.

V. *ſect.* 5. Provided that nothing herein contained ſhall prejudice any former contracts made concerning any lands, whereon any barracks or light-houſes have been or ſhall be built, but the ſame ſhall continue in the ſame validity, as if this act had not been made. Saving of former contracts.

The powers veſted by this act in the chief governors, and the commiſſioners appointed in purſuance thereof, are continued for twenty one years from the 24th *of* June, 1758, *and to the end of the next ſeſſion of parliament after, by Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 4.

VI. *Stat.* 3 *Geo.* 2. *cap.* 5. *ſect.* 3. *Whereas in the act made in the fourth year of his late Majeſty's reign, cap.* 7. *no proviſion is made for any hoſpital for the ſick ſoldiers of his Majeſty's army*; it ſhall be lawful for the commiſſioners appointed to execute the powers in the laſt mentioned act given, or any three of them, to take ſurveys of, and to deſcribe and bound the ground whereon any hoſpital is built or building for ſick ſoldiers of his Majeſty's army, and to do every act for aſcertaining the yearly rent of ſuch ground for ever, which they are impowered to do, with regard to the ground whereon the barracks are built, by the laſt mentioned act, as fully as if the ſaid hoſpitals had been particularly mentioned in the ſaid act, together with the barracks and light-houſes. Hoſpitals for ſick ſoldiers.

This clauſe is continued for twenty one years, and to the end of the next ſeſſion of parliament after, by Stat. 29 *Geo.* 2. *cap.* 8. *ſect.* 4.

VII. *Stat.* 21 *Geo.* 2. *cap.* 9. *ſect.* 1. All perſons, bodies politic and corporate, tenants in tail, tenants for life, infants by their guardians, the guardians and committees of lunatics and idiots, and femes covert with their huſbands, may by deeds indented and inrolled, abſolutely ſell or demiſe to his Majeſty, or to ſuch perſons as the chief governors of this kingdom ſhall appoint, any lands, *&c.* neceſſary for erecting new barracks. Powers to ſell lands, &c.

VIII. *ſect.* 2. Provided, that no tenant for life, guardian of any minor, guardian or committees of lunatics or idiots, or huſband of any feme covert, ſhall have power to diſpoſe of, demiſe, or enter into any contract for the ſale or demiſe of any lands, *&c.* held with the manſion-houſe of ſuch tenant for life, minor, idiot, lunatic or feme covert, as part of the demeſnes thereof for twenty years next before. Except demeſnes.

IX. *ſect.* 3. Every ſale or contract ſo made for diſpoſing of any lands, *&c.* neceſſary for building barracks with all ways and neceſſary appurtenances, ſhall be valid notwithſtanding any diſability or incapacity. Sales valid.

X. *ſect.* 4. And it ſhall be lawful for his Majeſty to erect ſuch batteries, and incloſe the ſame with ſuch fortifications, and in ſuch manner as ſhall be neceſſary for the ſecurity of the harbour of *Cork*, on ſuch lands as may be judged moſt convenient for that purpoſe, which lands are hereby veſted in his Majeſty, ſubject to the payment of ſuch yearly rents as ſhall be aſcertained in the manner herein after directed. Securing *Cork* harbour.

XI. *ſect.* 5. The chief governor or governors of this kingdom may appoint commiſſioners in the ſame manner as by 4 *Geo.* 1. *cap.* 7. is directed; and ſuch commiſſioners, or any three of them, are required to proceed in ſuch Appoint commiſſioners.

ſuch manner as by the ſaid act is preſcribed, to have the yearly rent to be paid for the lands on which the ſaid batteries or fortifications ſhall be erected, aſcertained.

Adjuſting the value of lands.

(2) As alſo, to have the real value or yearly rent contracted or agreed to be paid for ſuch lands, as ſhall be conveyed or demiſed for the building of new barracks properly adjuſted, and to ſettle and apportion the payment thereof, to the reſpective proprietors and others intereſted in ſuch lands according to their reſpective intereſts therein, and in like manner to appoint commiſſioners for the aſcertaining ſuch yearly rents as may be reaſonable to be paid for any ſuch ground contiguous to any fortified town or fort already erected in this kingdom, as it may be neceſſary for his Majeſty to contract for, in order to the ſtrengthening ſuch fortified town or fort.

Acts concluſive.

(3) And all acts to be done purſuant to the powers hereby given, ſhall be valid and concluſive, as well to his Majeſty, as to the reſpective proprietors and other perſons intereſted, notwithſtanding any diſability or incapacity whatſoever.

Commiſſions.

XII. *ſect.* 6. Provided that the ſame method of proceeding ſhall be obſerved in the execution of the ſaid commiſſions, as in the execution of the commiſſions by 4 *Geo.* 1. *cap.* 7.

Continuance.

XIII. *ſect.* 7. Provided alſo that this act ſhall continue in force as long as the ſaid former act.

Twenty one years.

This act is continued until the 25*th of* March, 1768, *by* Stat. 31 *Geo.* 2. *cap.* 9. *ſect.* 10. *but as it was to continue in force ſo long as the act* 4 Geo. 1. *cap.* 7. *is continued, it ſeems to be virtually continued by* Stat. 29 *Geo.* 2. *cap.* 8. *ſect.* 4. *for twenty one years,* &c. *as the ſaid former act is thereby continued for that term.*

Barracks and light-houſes.

XIV. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 4. An act paſſed, 4 *Geo.* 1. *cap.* 7. in reſpect of the powers which are given thereby to the lord lieutenant, or other chief governor or governors of this kingdom for the time being, to iſſue commiſſions under the great ſeal of this kingdom, and of divers other powers, authorities, regulations and proviſions concerning barracks and light-houſes, and the building and erecting the ſame, and the lands whereon the ſame ſhould be built; and the making contracts for ſuch lands, and giving recompence to the owners, and a clauſe enacted by the act, 3 *Geo.* 2. *cap.* 5. *ſect.* 3. whereby proviſion is made for hoſpitals for the ſick ſoldiers in his Majeſty's army, having been by experience found uſeful; all the ſaid powers, and every article, clauſe, and proviſo in the ſaid act relating to the barracks and light-houſes, and alſo the clauſe relating to hoſpitals for the ſick ſoldiers, mentioned in *Stat.* 3. *Geo.* 2. ſhall be in force for twenty one years from the 24th day of *June*, 1758, and to the end of the next ſeſſion of parliament after the expiration of the ſaid twenty one years.

Hoſpitals for ſoldiers.

Ability to convey lands.

XV. *Stat.* 3 *Geo.* 2. *cap.* 9. *ſect.* 10. So much of *Stat.* 4 *Geo.* 1. *cap.* 7. and of *Stat.* 21 *Geo.* 2. *cap.* 9. as relates to the impowering bodies politic and corporate, eccleſiaſtical and civil, tenants in tail, tenants for life, infants by their guardians, and committees of lunatics and ideots, and feme coverts with their huſbands, to ſell or diſpoſe of, or to contract with, and to convey or demiſe to his Majeſty, or to ſuch perſons, as the lord lieutenant, or other chief governors of this kingdom ſhould appoint, any lands or tenements neceſſary or convenient

venient for the erecting barracks, and for the erecting light-houſes; and alſo ſo much of the ſaid recited acts as relates to the lord lieutenant, or other chief governors of this kingdom, appointing commiſſioners for executing the powers given them by the ſaid act, ſhall be continued until the twenty-fifth day of *March*, 1768, and till the end of the then next ſeſſion of parliament.

Continued to the 25th *March*, 1768.

XVI. *Stat.* 7 *Geo.* 3. *cap.* 6. *ſect.* 1. All lands purchaſed by and let to truſtees purſuant to letters patent 12 *Will.* 3. veſted in his majeſty, his heirs and ſucceſſors, for the uſe of the barracks, any law, ſtatute, or other matter to the contrary notwithſtanding.

Purchaſes by and leaſes to truſtees veſted in king, for uſe of the barracks.

XVII. *ſect.* 2. The preſent commiſſioners and their ſucceſſors, or ſuch as ſhall be appointed commiſſioners for the barracks, or any three or more, may carry into compleat execution the ſeveral powers of purchaſing, taking grants or leaſes of lands, on which it may be expedient to build barracks or light-houſes, and of aſcertaining the value or the rents to be reſerved, and in caſe of refuſal or diſability of the owners or proprietors may iſſue warrants to ſheriffs of the counties to ſummon a jury to aſcertain the yearly value of ſuch lands, and for a leaſe to be made to his Majeſty in ſuch manner as is preſcribed by the act 4 *Geo.* 1. and ſuch verdicts or inquiſitions, as ſhall be ſo found and returned, by the ſaid jury, aſcertaining the rent, as alſo all ſuch contracts and conveyances as the ſaid commiſſioners ſhall make, ſhall be returned and certified to his Majeſty in the court of exchequer, by the ſaid commiſſioners within thirty one days next after ſuch verdict or inquiſition found, or contracts or conveyances made thereof be entered among the records of the ſaid court; which contracts or conveyances, verdicts or inquiſitions, ſhall be final and concluſive, as well to his Majeſty, his heirs and ſucceſſors, as to the ſeveral owners, proprietors, and tenants, notwithſtanding any diſability or incapacity whatſoever, and immediately after payment of ſuch ſums as ſhall be agreed to be paid for the purchaſe of the ſame, or contract entered into for payment of an annual rent, as alſo from the time of ſuch verdict or inquiſition found and returned into the exchequer, ſhall be veſted in his Majeſty, his heirs, and ſucceſſors, for the uſe of ſaid barracks and light-houſes, notwithſtanding any diſability or incapacity whatſoever, any law, ſtatute, or other matter or thing whatſoever, to the contrary notwithſtanding.

Value and rent aſcertained by jury, as by 4 G. 1. c. 7. certified to exchequer in 31 days,

final notwithſtanding any diſability.

XVIII. *ſect.* 3. Commiſſioners, or any three, as often as authoriſed by order of chief governors, may by indenture inrolled, convey or ſell the title of the crown to decayed barracks or the ground by publick cant to the higheſt bidder, provided one month's notice given in the Dublin Gazette, and ſome other publick paper of intelligence, of the time and place for ſuch ſale, and the money ariſing be paid into the treaſury for uſe of the public.

Decayed barracks ſold publickly, 1 month's advertiſement, the money to publick uſe.

None admitted Barriſter not a ſtudent of King's Inns 5 years reſiding and keeping commons there or in ſociety in Great Britain 4 terms in addition.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 32. *ſect.* 1. Whereas it will contribute to purity of legal proceedings, and regular adminiſtration of juſtice, that no perſon ſhall be admitted a barriſter at law until he ſhall have duly qualified: After firſt day of Hilary term one thouſand ſeven hundred and eighty two, no perſon ſhall admitted a barriſter at law, who ſhall not have been received and admitted into the King's Inns as a ſtudent five years previous to applying to be admitted to ſaid degree, and who ſhall not have reſided and kept commons in ſaid ſociety, or the ſociety to which he ſhall belong in Great Britain, at his own option for four entire terms in addition to the terms every ſtudent is already required to attend in the Inns in Great Britain, by any law in force in this kingdom, or rule or uſage of ſociety of King's Inns.

Students proteſtants, and 100l. bond with 2 ſureties not to act as attorney, clerk, &c.

II. *ſect.* 2. No perſon ſhall be admitted into ſaid ſociety as a ſtudent, who ſhall not be of the proteſtant religion, and ſhall not firſt enter into a bond in penalty of one hundred pounds with two ſufficient ſureties, approved of by treaſurer of ſaid ſociety, conditioned that he will not act or practiſe as an attorney or ſolicitor, or as clerk or apprentice to any, during the time a member of ſaid ſociety.

Not extended to any entered in G. Britain 1ſt Hil. 1782.

III. *ſect.* 3. This act ſhall not extend to any, who ſhall have entered his name in any of the Inns of court in Great Britain on or before the firſt of Hilary term one thouſand ſeven hundred and eighty two.

Till hall, &c. provided, attending treaſurer one day in 4 terms, and paying 1 guinea each.

IV. *ſect.* 4. Until a dining hall erected and commons provided for ſaid ſociety, every ſtudent who ſhall perſonally attend the treaſurer or deputy, one day in every term for four terms, and pay one guinea for each of ſaid four terms, ſhall be conſidered as having reſided and kept commons in ſaid ſociety for four terms within meaning of this act.

Taking degree in univerſity, and attending 8 terms in Inns in Great Britain, and name entered 3 years, admitted Barriſter.

V. *ſect.* 5. Where any have taken the full and perfect degree of batchelor of laws or maſter of arts in Dublin, or a batchelor or maſter of arts degree in Oxford or Cambridge, and have attended eight terms in any of Inns of court of Great Britain, or where any have taken the full and perfect degree of batchelor of arts in ſaid univerſities, and have attended eight terms in any of Inns of court in Great Britain, and alſo have entered his name in one of ſaid Inns, and alſo in ſaid ſociety of King's Inns, three years before he ſhall apply to be admitted barriſter at law, ſuch perſons may be admitted to ſaid degree; any thing in this or any former act to contrary notwithſtanding.

I. *Eng. Stat.* 20 *Hen.* 3. *cap.* 9. To the King's writ of baſtardy, whether one in being born before matrimony, may inherit in like manner as he that is born after matrimony, all the biſhops anſwered, that they would not, nor could not anſwer to it; becauſe it was directly againſt the common order of the church. Writ of baſtardy.

(2) And all the biſhops inſtanted the Lords, that they would conſent, that all ſuch as were born afore matrimony ſhould be legitimate, as well as they that be born *within* matrimony, as to the ſucceſſion of inheritance, forſomuch as the church accepteth ſuch for legitimate. Biſhops requeſt.

(3) And all the earls and barons with one voice anſwered, that they would not change the laws of the realm, which hitherto have been uſed and approved. Earls and barons anſwer.

II. *Eng. Stat.* 9 *Hen.* 6. *cap.* 11. *ſect.* 2. Where any plea ſhall be depending in which baſtardy ſhall be alledged againſt any perſon party to the ſame plea, and thereupon an iſſue joined, which by law is to be certified by the ordinary, the judges where the ſaid plea ſhall be depending, before any writ of certificate paſs out of the ſame court to the ordinary, ſhall make a remembrance under ſeal, at the ſuit of the demandant or tenant, plaintiff or defendant, reciting the iſſue joined, and ſhall certify the ſame to the chancellor, to the intent that thereupon proclamation be made in the chancery by three months, once in every month, that all perſons pretending any intereſt to object againſt the party, which pretendeth himſelf to be *mulier*, be before the ordinary, to make their allegations and objections, as the law of holy church requireth. Proclamations in chancery.

(2) And the chancellor having notice of the ſaid remembrance and iſſue joined, and required by the ſaid demandant or tenant, plaintiff or defendant, having the ſaid remembrance to make the ſaid proclamation, ſhall cauſe, make proclamation in form aforeſaid; and ſhall certify the proclamation ſo made into the court where the plea ſhall be depending. Certificate of proclamation.

(3) And the judges of the court ſhall one time before any proclamation made in the chancery, make ſuch a proclamation openly in the ſame court, and alſo another time when the proclamation ſhall be certified by the chancellor, and made in the form above rehearſed. And then the judge ſhall award the writ of certificate to the ordinary to certify upon the iſſue ſo joined. Court where the plea is.

(4) And if any writ of certificate be granted before all the proclamations in the form aforeſaid be made and certified, the ſaid writ of certificate, and the certificate of the ordinary thereupon, ſhall be void. Certificates void.

Beef and Pork.

Five years of age.

I. *Stat. 2 Ann. cap. 15. ſect. 7.* No merchant or other perſons ſhall ſlaughter any oxen, cows, ſteers, or heifers, to be ſalted, packed or barreled by way of merchandiſe, to be tranſported under the age of five years, on pain of forfeiting of the ſame or the value thereof; the one moiety of which forfeiture to be to her Majeſty, *&c.* the other moiety to him that will ſue for the ſame *in any court of record in* Dublin *by action*, &c. *in which no eſſoign*, &c. *ſhall be allowed.*

Forfeiture of the beef.

II. *ſect. 8.* If any perſon ſhall ſhip or procure to be conveyed in or to any ſhip or veſſel upon the ſea, or in any haven, river, creek or place within this kingdom, any beef ſalted, packed or barreled, that at the time of ſlaughtering thereof, was not of the age of five years, knowing the ſame to be under that age at the time of the killing thereof, to the intent to tranſport the ſame into any parts beyond the ſeas there to be uttered, every ſuch perſon ſhall forfeit ſuch beef ſo laden, ſhipped or tranſported contrary to this act, or the value thereof; the ſaid forfeiture to be recovered in manner aforeſaid.

Content of barrels.

III. *ſect. 9.* Every barrel of beef which ſhall be ſalted and packed up by way of merchandiſe to be tranſported, ſhall contain at the leaſt two hundred weight of net beef, at one hundred and twelve pounds to the hundred, upon pain of forfeiture of every barrel of beef that ſhall be found packed up and ready for exportation, that doth not contain two hundred weight of net beef as aforeſaid, in whoſe hand ſoever the ſame is found: the ſaid forfeiture to be recovered as aforeſaid.

Quarter-ſeſſions.

IV. *ſect. 13.* It ſhall be lawful for the juſtices of the peace of the ſeveral counties at their reſpective quarter-ſeſſions, to hear and determine all the offences aforeſaid, and upon the convictions of ſuch offenders before them, to make eſtreats of the one moiety of the ſaid forfeitures into the exchequer, as had been uſed to be done in caſe of other fines and amercements forfeited to her Majeſty in the ſeſſions of the peace, and to award and iſſue forth execution for the other moiety due by this act to the informer or proſecutor, by *capias* or *fieri facias* out of the ſaid court of ſeſſions, in ſuch ſort as the Queen's Bench at Dublin have in ſuch caſes uſed to do.

Six months.

V. *ſect. 14.* Provided that no perſon ſhall be ſued for any offence againſt this act, unleſs ſuch proſecution ſhall be begun within ſix calendar months next after the offence committed.

Vexatious ſuits.

VI. *ſect. 15.* If upon any proſecution grounded upon this act, it ſhall appear to the judges or juſtices of the peace before whom ſuch information ſhall be preſented, that ſuch information or proſecution was promoted only for vexation, and without a reaſonable cauſe, the ſaid judges or juſtices of the peace ſhall award the party ſo unjuſtly proſecuted treble coſts occaſioned by ſuch vexatious proſecution, the ſame to be recovered by *capias* or *fieri facias.*

Anſwer to bills.

VII. *ſect. 16.* If any Engliſh information or bill ſhall be brought againſt any perſon offending contrary to this act, ſuch perſons ſhall put in their anſwers to ſuch information or bill on their corporal oaths; and no plea or demurrer unto ſuch information ſhall be allowed, in reſpect of the penalty of this act, which ſuch anſwers may ſubject ſuch perſons unto.

General iſſue.

VIII. *ſect. 17.* If any ſuit ſhall be proſecuted againſt any perſons for whatever they ſhall do in purſuance of this act, ſuch perſons may plead the general iſſue, and if the proſecutor ſhall become nonſuit, or forbear further proſecution,

proſecution, or ſuffer a diſcontinuance, or if a verdict ſhall paſs againſt him, the defendants ſhall recover treble coſts.

This ſtatute is made perpetual by Stat. 9 Ann. cap. 7.

Cods and ſhifts.

IX. *Stat.* 9 *Ann. cap.* 7. *ſect.* 1. Every butcher, or perſon employed by them, who ſhall ſlaughter any cattle to be packed by way of merchandiſe to be tranſported, ſhall leave the cods and ſhifts with ſuch cattle, and not cut the ſame away.

Penalty of 20s.

(2) And if any butcher, or perſon employed by them as aforeſaid, ſhall offend by cutting away the cods and ſhifts from any ſuch cattle, they ſo offending, and being convict upon oath of the ſaid offence, before one juſtice of the peace, or chief magiſtrate of any corporation, by one witneſs, or upon confeſſion of the offenders before ſuch juſtice or chief magiſtrate, the parties ſo offending ſhall forfeit for every ſuch offence twenty ſhillings, to be levied by diſtreſs and ſale of the offenders goods, the overplus to be reſtored after all charges of the ſaid diſtreſs defrayed, the one moiety thereof to be to the party informing, and the other moiety to the uſe of the poor of the pariſh where ſuch offence ſhall be committed.

Conſtables.

(3) And every conſtable of the pariſh or chief conſtable of the barony, where ſuch offence ſhall be committed, are required to levy the ſame accordingly, by warrant under the hand and ſeal of ſuch juſtice or chief magiſtrate.

Publick whipping.

(4) And in caſe ſuch offenders ſhall not have goods ſufficient for the levying of the ſaid penalty, it ſhall and may be lawful for the juſtice or chief magiſtrate before whom ſuch conviction ſhall be made, by warrant under their hand and ſeal, to appoint ſuch offenders to be publickly whipt through ſuch corporation or next market-town, on the next market-day immediately following.

2 Ann. c. 15.

X. *ſect.* 2. The act (2 *Ann. cap.* 15.) to prohibit butchers from being graziers, *&c.* ſhall continue in force for ever.

Age of cattle.

XI. *Stat.* 2 *Geo.* 1. *cap.* 16. *ſect.* 11. No perſon who ſhall ſlaughter any beef or black cattle in order to be exported, ſhall ſlaughter any bullock or ſteer during that ſeaſon, which ſhall not be in the fifth year of his age at leaſt, at the time of ſlaughtering, or ſhall bring or ſuffer to be brought into his ſlaughter-houſe or yard, any bullock or ſteer which ſhall not be in the fifth year of his age, during that ſeaſon.

Penalty for each beaſt.

(2) And if any perſon ſhall offend herein, and be thereof convicted by the oath of one credible witneſs, before any juſtice of the peace of any county or city, or chief magiſtrate of any corporation where ſuch offence ſhall be committed, every perſon ſo offending ſhall forfeit five pounds for every ſuch bullock or ſteer ſo brought into the yard or ſlaughter houſe, or ſlaughtered as aforeſaid, to the perſon who ſhall inform for the ſame, which ſum ſhall be levied by ſale or diſtreſs of the offenders goods, and paid to the informer.

Whipping.

(3) And in caſe a ſufficient diſtreſs cannot be found, every perſon ſo convicted ſhall be three times publickly whipt through the town where ſuch offence is committed.

Poor of the pariſh.

(4) And the carcaſs of every beaſt ſlaughtered, or brought to be ſlaughtered as aforeſaid, ſhall be diſtributed among the poor of the pariſh where the

the offence was committed, according to the direction of the chief magiſtrate or juſtice before whom the conviction ſhall be.

Search-warrant. (5) And it ſhall be lawful for any perſon, upon information given before any juſtice of the peace or chief magiſtrate of any city or town-corporate, by virtue of his or their warrant, to ſearch the yard or ſlaughter-houſe of any perſon againſt whom ſuch information ſhall be given.

Gauge of veſſels. XII. *Stat.* 8 *Geo.* 1. *cap.* 7. *ſect.* 18. In caſe any perſons ſhall barrel up beef, with intent to export or ſell the ſame, in any half barrel which ſhall be in gauge under fourteen gallons and a half, or above fifteen gallons, or in any whole barrel in gauge under twenty nine gallons, or above thirty gallons:

Weight. (2) Or in caſe any perſons ſhall barrel up pork, with intent to export or ſell the ſame, in any barrel which ſhall contain leſs than two hundred weight net, or in any half barrel which ſhall contain leſs than one hundred weight net:

Marked with names. (3) Or in any barrels which ſhall not be ſeverally marked with the coopers, merchants, or other perſons name, who ſhall make or ſave ſuch pork or beef; ſuch perſons ſo offending ſhall forfeit for each barrel of pork or beef ſo packed up ten ſhillings, to be recovered in ſuch manner, and applied to ſuch uſes as herein after are directed.

Coopers. XIII. *ſect.* 19. If any coopers ſhall make any barrel or half barrel for packing of beef or pork other than according to the aforeſaid gauge and contents, ſuch coopers ſhall forfeit twenty ſhillings for every barrel or half barrel which ſhall be made contrary to this act, to be paid to the informer, and to be recovered in the ſame manner as the other penalties by this act are recoverable.

Seizing goods. XIV. *ſect.* 20. It ſhall be lawful to ſeize and detain all perſons and their goods, which ſhall be made up, packed, or bought and ſold contrary to this act, for ſuch reaſonable time as they may give notice to the conſtables of the pariſh where ſuch perſons or their goods ſhall be ſo ſeized, who are required to carry ſuch perſons and their goods before the chief magiſtrate of the city or town corporate, or before ſome juſtice of the peace where ſuch offence ſhall be committed, if in no city or town corporate.

Warrant for penalties. (2) Which ſaid magiſtrates or juſtices are required, either upon the confeſſion of the party offending, or due proof by one witneſs upon oath, that the perſon ſo brought before them hath offended contrary to this act, by warrant under their hands and ſeals, to cauſe ſuch penalties as the offenders are hereby liable to, to be forthwith levied by diſtreſs and ſale of the offenders goods, rendering the overplus, if any be, to the owners thereof, after deduction of the reaſonable charges for taking the ſaid diſtreſs, and out of the ſaid diſtreſs to pay the ſaid reſpective penalties and forfeitures to the informer.

Whipt thrice. (3) And in caſe ſuch offenders ſhall not have goods ſufficient to anſwer the ſaid penalties, ſuch offenders, by warrant under the hand and ſeal of ſuch magiſtrate or juſtice of the peace, ſhall be publickly whipt three market days ſucceſſively through ſome market town in the county, in or near ſuch place where the offence was committed, between the hours of eleven and twelve in the forenoon.

XV. *ſect.*

Beef and Pork.

XV. *ſect.* 21. Perſons ſued for putting in execution any of the powers in this act, *&c.* may plead the general iſſue, *&c.* and if the plaintiffs ſhall be nonſuited, or judgment ſhall be given againſt them upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts, *&c.*

The foregoing clauſes of this act are continued by Stat. 10 Geo. 1. cap. 9. *and by* Stat. 21 Geo. 2. cap. 7. *until the 29th of* September 1769. *And by the act*, 5 Geo. 3. cap. 15. *until the 29th day of* September 1791, &c. 29th *September*, 1791.

XVI. *Stat.* 5 *Geo.* 3. *cap.* 15. *ſect.* 7. *Whereas an act paſſed* 10 Geo. 1. cap. 9. for continuing and amending the laws in relation to making up beef and pork for exportation, *&c. which act was explained and amended by another act*, 12 Geo. 1. cap. 5. *and by an act*, 21 Geo. 2. cap. 7. *the ſaid acts have been amended and further continued to the 29th of* September 1769; *which ſaid laſt act, ſo far as it relates to the continuing and amending the ſaid laws in relation to* the making up beef and pork for exportation, *&c. is found by experience to be extremely uſeful, and therefore fit to be continued*; it is therefore enacted that the ſaid laſt act (21 *Geo.* 2. *cap.* 7.) ſo far as it relates to the continuing and amending the ſaid laws in relation to making up beef and pork for exportation, *&c.* ſhall be continued until the 29th of *September*, 1791, and to the end of the then next ſeſſion of parliament. The acts 10. G. 1. 12 G. 1. 21 G. 2. Continuance.

Bills and Notes.

I. *Stat.* 8 *Ann. cap.* 11. *ſect.* 1. All bills of exchange drawn in any place in this kingdom, of the ſum of five pounds or upwards, upon any perſons in *Dublin*, or any other trading city, town, or any other place, in which ſaid bills of exchange ſhall be acknowledged and expreſſed the ſaid value to be received, and ſhall be drawn payable at a certain number of days, weeks, or months after date thereof, and after preſentation and acceptance of the ſaid bills of exchange which ſhall be by the under-writing the ſame under the party's hand ſo accepting, and after the expiration of three days after the ſaid bills ſhall become due, the party to whom the ſaid bills are made payable, his agent or aſſigns, may cauſe the ſaid bills to be proteſted by a notary publick, and in default of ſuch notary publick, by any other ſubſtantial perſon of the place, in the preſence of two credible witneſſes, refuſal or neglect being firſt made of payment, which proteſt ſhall be made under a fair written copy of the bill of exchange in the words or form following. Value received. Acceptance. Proteſt.

Know all men, that I A. B. *on the day of at the uſual place of abode of the ſaid have demanded payment of the bill, or acceptance of the bill, of which the above is the copy; which the ſaid did not pay, or did not accept: Wherefore I the ſaid do hereby proteſt the ſaid bill.*
Dated at this day of Form of proteſt.

II. *ſect.* 2. Which proteſt ſo made, ſhall within fourteen days after making thereof, be ſent, or notice ſhall be given thereof, to the party from whom the bills were received, who is, upon producing ſuch proteſt, to repay the ſaid bills, with all intereſt and charges from the day ſuch bill were proteſted; for which proteſt ſhall be paid a ſum not exceeding two ſhillings. Notice in fourteen days.

(2) And

Default.

(2) And in default of ſuch proteſt made and ſent, or due notice given within the days before limited, the perſon neglecting thereof ſhall be liable to all coſts, damages and intereſt which ſhall accrue thereby.

Loſs of bills.

III. *ſect.* 3. Provided that in caſe any ſuch inland bills of exchange ſhall happen to be loſt or miſcarried within the time before limited for payment of the ſame, then the drawer of the bills ſhall be obliged to give other bills of the ſame tenor with thoſe firſt given, the perſons to whom they ſhall be ſo delivered, giving ſecurity, if demanded, to the drawer, to indemnify him in caſe the bills alledged to be loſt or miſcarried ſhall be found again.

Refuſal to accept.

IV. *ſect.* 4. In caſe upon preſenting any ſuch inland bills of exchange, the parties on whom the ſame ſhall be drawn, ſhall refuſe to accept the ſame by under-writing as aforeſaid, the party to whom the bills are made payable, his agent, or aſſigns, may cauſe the ſaid bills to be proteſted for non-acceptance in manner afore-mentioned; for which proteſt there ſhall be paid two ſhillings.

Under-writing.

V. *ſect.* 5. No acceptance of ſuch inland bills of exchange ſhall be ſufficient to charge any perſon, unleſs the ſame be under-written or indorſed in writing thereupon.

Drawer not liable.

(2) And if ſuch bill be not accepted by ſuch under-writing, or indorſement in writing, no drawer of any ſuch inland bill ſhall be liable to pay any coſts, damages or intereſt thereupon, unleſs ſuch proteſt be made for non-acceptance thereof, and within fourteen days after ſuch proteſt be ſent, or notice thereof be given to the party from whom ſuch bill was received or left in writing at the place of his or her uſual abode.

Non-payment.

(3) And if ſuch bill be accepted and not paid before the expiration of three days after the bill ſhall become payable, no drawer of ſuch bill ſhall be compellable to pay coſts, damages, or intereſt thereupon, unleſs a proteſt be made and ſent, or notice thereof be given in manner above mentioned.

Proteſt and notice.

(4) Nevertheleſs every drawer of ſuch bill ſhall be liable to make payment of coſts, damages, and intereſts upon ſuch inland bill, if any one proteſt be made for non-acceptance or non-payment thereof, and notice thereof be ſent, given, or left as aforeſaid.

Proteſt not neceſſary.

VI. *ſect.* 6. Provided that no ſuch proteſt ſhall be neceſſary either for non-acceptance or non-payment of any inland bill of exchange, unleſs the value be acknowledged and expreſſed in ſuch bill, to be received.

Above five pounds.

(2) And unleſs ſuch bill be drawn for the payment of five pounds or upwards, and that the proteſt hereby required for the non-acceptance ſhall be made by ſuch perſons as are appointed by this act to proteſt the ſame.

In lieu of a debt.

VII. *ſect.* 7. If any perſon doth accept any ſuch bill of exchange in ſatisfaction of any former debt due unto him, the ſam ſhall be accounted a full payment of ſuch debt, if ſuch perſon accepting of any ſuch bill for his debt, doth not take his due courſe to obtain payment thereof, by endeavouring to get the ſame accepted and paid, and make his proteſt as aforeſaid, either for non-acceptance or non-payment thereof.

Acceptor and indorſer.

VIII. *ſect.* 8. Provided that nothing herein contained ſhall extend to diſcharge any remedy that any perſon may have againſt the drawer, acceptor or indorſer of ſuch bill.

Notes to whom payable.

IX. *ſect.* 9. All notes in writing which ſhall be made and ſigned by any perſon, or by the ſervant or agent of any banker, goldſmith, merchant or trader who is uſually intruſted by them to ſign ſuch promiſſory notes for them, whereby

whereby ſuch perſons, or their ſervant or agent as aforeſaid, ſhall promiſe to pay to any other perſons, or their order, or unto bearer, any ſum of money mentioned in ſuch note, ſhall be taken to be payable to ſuch perſons to whom the ſame is made payable.

Shall be aſſignable.

(2) And alſo every ſuch note payable to any perſons or their order, ſhall be aſſignable in the ſame manner as inland bills of exchange may be according to the cuſtom of merchants, and the perſons to whom ſuch money ſhall be by ſuch note made payable, may maintain an action for the ſame, in ſuch manner as they might do upon any inland bill of exchange drawn according to the cuſtom of merchants againſt the perſons, who or whoſe ſervant or agent ſigned the ſame.

Indorſers.

(3) And perſons to whom ſuch note that is payable to any perſons or their order is aſſigned, or the money therein mentioned to be paid by indorſement thereon, may maintain their action for ſuch ſum either againſt the perſons, who or whoſe ſervant or agent as aforeſaid ſigned ſuch note, or againſt any of the perſons that indorſed the ſame, in like manner as in caſes of inland bills of exchange, and in every ſuch action the plaintiffs ſhall recover their damages and coſts of ſuit.

Coſts.

(4) And if ſuch plaintiffs ſhall be non-ſuited, or a verdict be given againſt them, the defendants ſhall recover their coſts againſt the plaintiffs.

Execution.

And every ſuch plaintiffs or defendants reſpectively recovering, may ſue out execution for ſuch damages and coſts by *capias*, *fieri facias* or *elegit*.

Limitation.

X. *ſect.* 10. All ſuch actions ſhall be commenced, ſued, and brought within ſuch time as is appointed for commencing or ſuing actions upon the caſe, by the ſtatute made in the tenth year of King *Charles* the firſt, for limitations of actions, *&c.* (*Eng. Stat.* 9 & 10 *Will.* 3. *cap.* 17.)

Biſhops.

Guardians and cuſtodees.

I. Magna Charta, 9 *Hen.* 3. *cap.* 5. The guardian ſhall keep up the houſes, parks, warrens, ponds, mills, and other things pertaining to the lands, with the iſſues of the land, and he ſhall deliver the land ſtored with ploughs and other things at leaſt as he received it. Theſe things ſhall be obſerved in the cuſtody of biſhopricks, churches, and dignities vacant, which pertain to the King. Such cuſtody ſhall not be ſold.

Time of vacation.

II. *Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 21. Guardians ſhall ſuſtain the land without deſtruction. In the ſame manner ſhall biſhopricks and all ſpiritual dignities be kept in time of vacation.

Eſcheats.

III. *Stat.* Prærog. Reg. 17 *Edw.* 2. *cap.* 14. The king ſhall have eſcheats of lands of the freeholders of biſhops, when ſuch tenants be attainted for felony in time of vacation, while their temporalties were in the King's hands, ſaving to ſuch prelates the ſervice thereto due.

Seizures.

IV. *Stat.* 1 *Edw.* 3. *ſtat.* 2. *cap.* 2. *ſect.* 2. The King ſhall not cauſe to be ſeized into his hands the temporalties of biſhops without cauſe.

Penſions, &c.

V. *Stat.* 1 *Edw.* 3. *ſtat.* 2. *cap.* 10. The King ſhall not deſire of biſhops penſions, prebends, churches, or corodies for his clerks or ſervants, but where it ſhall be due.

Not without cauſe.

VI. *Stat.* 14 *Edw.* 3. *ſtat.* 4. *cap.* 3. The King ſhall not cauſe, take into his hands the temporalties of biſhops, *&c.* without juſt cauſe according to law and judgment thereupon given.

No waſte.

VII. *Stat.* 14 *Edw.* 3. *ſtat.* 4. *cap.* 4. As often as vacancies of biſhopricks and other prelacies ſhall happen, the eſcheators ſhall enter and cauſe well to keep the ſaid vacancies, without making waſte or deſtruction in manors, parks, ponds, or woods; and ſell no underwood, nor ſhall chaſe in parks or warrens, nor fiſh the ponds or free fiſhings, nor take fines of the tenants; but cauſe keep as much as belongs to the ſaid vacancies without doing damage or oppreſſion.

Deans and chapters.

(2) And if the dean and chapter of churches cathedral will render the value of the vacancy, the chancellor and treaſurer ſhall have power to leaſe to them the ſaid vacancies by ſurety, before all others, rendering the value, according as ſhall be found by remembrance of the exchequer, or by inqueſt, if need be, without fine.

No diſheriſon.

(3) And if they will not agree, then ſhall the chancellor and treaſurer cauſe order good cuſtody of ſuch vacancies by eſcheators, or other ſufficient guardians to anſwer to the King that which reaſonably pertaineth to him, without waſte or other thing which may turn to the diſheriſon of the churches.

Leaſes of vacancies.

VIII. *Stat.* 14 *Edw.* 3. *ſtat.* 4. *cap.* 5. The chancellor and treaſurer, taking to them ſuch of the council as to them ſhall ſeem beſt, ſhall have power to leaſe vacancies to the dean and chapter, ſo that no eſcheator, or other officer have cauſe to enter, or do any thing in prejudice to the churches; ſaving to the King advowſons of churches, eſcheats, reliefs and ſervices of the fees.

Contempts.

IX. *Stat.* 25 *Edw.* 3. *ſtat.* 3. *cap.* 6. The juſtices which ſhall give judgment againſt any biſhop for contempts upon writs of *quare non admiſit*, or other cauſes, ſhall receive for the contempt a reaſonable fine, when the party will offer it: and if need be, the chancellor and treaſurer ſhall be called to the receipt of the fine.

Conge d'eſlier.

X. *Stat.* 2 *Eliz.* *cap.* 4. *ſect.* 1. From henceforth no *conge deſlier ſhall* be granted, nor election of any archbiſhop or biſhop by the dean and chapter made, but the Queen, her heirs and ſucceſſors, may by their letters patent under the great ſeal of *England*, or of this realm, or the lord deputy or other governors of this realm, having letters miſſive, or other warrant ſigned by the Queen, *&c.* for the ſame purpoſe may by letters patents to be made by their warrant under the great ſeal of this realm, when any archbiſhoprick or biſhoprick be void, confer the ſame to any perſon whom the Queen, *&c.* ſhall think meet.

Collation effectual.

(2) Which collation made in manner aforeſaid, and delivered to the perſon on whom the Queen, *&c.* ſhall confer the ſame archbiſhoprick or biſhoprick, or to his ſufficient proctor, ſhall ſtand to the ſame effect as though *conge deſlier* had been given, the election duly made and the ſame confirmed.

Conſecration.

(3) And upon that the perſon to whom the ſaid archbiſhoprick, biſhoprick, or ſuffraganſhip is ſo conferred, may be conſecrated and ſue his livery, or *ouſter le maine*, and do other things as well as if all the ſaid ceremonies and elections had been done and made.

Signified to the archbiſhop.

XI. *ſect.* 2. Every ſuch collation to be made in manner aforeſaid, if it be to the dignity of a biſhop, ſhall be ſignified to the archbiſhop of the province where

where the ſee is void, if the ſee of the ſaid archbiſhoprick be then full, and if it be void, then to be ſignified to ſuch archbiſhop within this realm as ſhall pleaſe the Queen, or the lord deputy or other governors of this realm, having warrant ſigned by the Queen, in manner aforeſaid.

Archbiſhops.

(2) And if ſuch collation ſhall be made to the dignity of any archbiſhop, the ſame ſhall be ſignified in manner aforeſaid to one archbiſhop, and two biſhops, or elſe to four biſhops in this realm, as ſhall be aſſigned by our ſaid ſovereign lady, *&c.* or by the lord deputy or other governors of this realm having warrants as is aforeſaid.

Inveſtiture, &c.

XII. *ſect.* 3. Whenſoever any ſuch collation ſhall be made by the Queen, *&c.* or by the lord deputy or other governors of this realm in manner aforeſaid, by virtue of this act and according to the tenor of the ſame, every archbiſhop and biſhop to whom any ſuch collation ſhall be ſignified, ſhall with all ſpeed inveſt and conſecrate the perſon conferred, to the office and dignity that ſuch perſon ſhall be ſo conferred unto, and give uſe to him, pall and all other benedictions, ceremonies, and things requiſite for the ſame, without ſuing or obtaining any bulls or other things from any foreign authority for any ſuch office or dignity.

Inthroniſed, &c.

XIII. *ſect.* 4. Every perſon being hereafter conferred, inveſted and conſecrated to the dignity or office of any archbiſhoprick or biſhop within this realm, according to the tenor of this act, and ſuing their temporalties out of the Queen's hands as hath been accuſtomed, and making ſuch oath and fealty only to the Queen, her heirs and ſucceſſors, and to none other, as ſhall be appointed for that purpoſe, ſhall be thronized or inſtalled as the caſe ſhall require, and ſhall have their reſtitution out of the Queen's hands, of all the poſſeſſions ſpiritual and temporal belonging to the ſaid archbiſhoprick or biſhoprick whereunto they ſhall be ſo conferred, and ſhall be obeyed in all things according to the degree and dignity that they ſhall be ſo conferred unto, and execute in every thing touching the ſame, as any archbiſhop or biſhop of this realm, without offending of the prerogatives royal of this crown, and the laws and cuſtoms of this realm, might at any time heretofore do.

Penalty of refuſal.

XIV. *ſect.* 5. If any archbiſhop or biſhop after ſuch collation ſhall be ſignified unto them in manner before rehearſed, ſhall refuſe and do not inveſt and conſecrate with all due circumſtance as is aforeſaid, every ſuch perſon that ſhall be ſo conferred, and to them ſignified as is above mentioned, within twenty days next after the Queen's letters patent of ſuch collation as ſhall come to their hands, or elſe if any of them, or any other perſons obey or execute any cenſures, excommunications, interdictions, inhibitions, or any other proceſs to the contrary of this act, all perſons ſo offending and their aiders, counſellors, and abettors ſhall run in the penalties of the ſtatutes of *præmuniſ. and præmunire*, made in *England* in the five and twentieth year of *Edward* the third, and in the ſixteenth year of *Richard* the ſecond.

Bogs.

Papiſts may take a leaſe of 50 acres of unprofitable bog, and half an acre adjoining of arable as a ſite for a houſe, or delving for manure, at rent agreed, not exceeding 61 years

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 21. *ſect.* 1. Whereas there are large tracts of deep bogs, not only unprofitable, but unwholeſome, and capable of improvement, if encouragement given to the lower claſs: Every papiſt, or perſon profeſſing the popiſh religion, who ſhall be deſirous to employ his induſtry and money for the improvement of the kingdom by reclaiming unprofitable bog, ſhall

ſhall be at liberty to take a leaſe of any tract or quantity of ſuch bog, not exceeding fifty acres, plantation meaſure, and one half of an acre of arable land, as a ſite for an houſe, or for delving for gravel or limeſtone for manure, next adjoining to ſuch bog, and to hold the ſame at ſuch rent, as ſhall be agreed upon between him and the owner of ſuch bog, for any term of years not exceeding ſixty one years, the laws made to prevent the further growth of popery to the contrary notwithſtanding.

Like leaſes made by tenants for life, biſhops, or bodies corporate.

II. *ſect.* 2. It ſhall be lawful for every tenant for life, archbiſhop, biſhop, and body corporate, eccleſiaſtical or civil, to make leaſes of any unprofitable bog, for reclaiming the ſame, and alſo of any quantity of arable land, not exceeding one half of an acre, as a ſite for an houſe, or for delving for gravel or limeſtone for manure, next adjoining to ſuch bog, for any term not exceeding ſixty one years, at ſuch rent as ſhall be agreed upon.

III. *ſect.* 3. No greater quantity of ſuch bog ſhall be ſo ſet to any one perſon than fifty acres, plantation meaſure.

Afterwards no longer by eccleſiaſticks or body corporate, than as by 10 & 11 C. 1. c. 3.

IV. *ſect.* 4. From the expiration, ſurrender, or other determination of ſuch leaſe, no longer leaſe of ſuch bog, ſo to be reclaimed, ſhall be made by any eccleſiaſtical perſon, or body corporate, than ſuch leaſe as is preſcribed by the eleventh of *Charles* the firſt, intitled, *An act for the preſervation of the inheritance, rights, and profits of lands belonging to the church, and perſons eccleſiaſtical.*

If half not reclaimed in 21 years, void.

V. *ſect.* 5. If the bog ſo to be demiſed, or one half part thereof, ſhall not be reclaimed within twenty one years from the commencement of the leaſe, the ſaid leaſe ſhall at the expiration of twenty one years be null and void to all intents.

Reclaimed, free 7 years from tithes or ceſſes.

VI. *ſect.* 6. Every bog reclaimed under this act, ſhall be free from payment of tythes, or grand jury or veſtry ceſſes, or applotments, for ſeven years from the time of being reclaimed, and no longer.

To be 4 feet deep; no leſs than 10 acres reclaimed, nor within 1 mile of a town.

VII. *ſect.* 7. No bog conſidered as unprofitable, ſo as to intitle the reclaimer thereof to benefit of this act, which ſhall not be four feet deep from the ſurface to the bottom of the bog when reclaimed; nor ſhall any perſon be intitled to benefit of this act for reclaiming any bog of leſs dimenſions than ten plantation acres; nor ſhall this act extend to any bog within one mile of any city or market town.

Brandy and ſpirituous Liquors.

Licenſes to ſell ſpirits.

I. *Stat.* 17 *Car.* 2. *cap.* 19 *ſect.* 1. For the better ordering and ſelling of wines, aquavitæ, and all ſorts of ſtrong waters by retail in taverns and other places, and for preventing of abuſes therein, it is enacted, that no perſon or perſons whatſoever, unleſs he or they be licenſed and enabled in manner and form as in this preſent act is preſcribed and appointed, ſhall ſell or utter by retail (that is to ſay, by the pint, quart, pottle, or gallon, or by any other greater or leſſer retail meaſure) any aquavitæ, uſquebagh, brandy, balkan, or other diſtilled ſtrong-waters whatſoever to be drank or ſpent within his or their manſion-houſe or houſes, or other place in his or their tenure or occupation, or without ſuch manſion-houſe or houſes, or ſuch other place in his or their tenure or occupation, by any colour, craft, or means whatſoever.

(2) Upon

(2) Upon pain to forfeit for every ſuch offence the ſum of five pounds, the one moiety of every ſuch penalty to be to our ſovereign lord the King, his heirs and ſucceſſors, the other moiety to him or them that will ſue for the ſame, by action of debt, bill, plaint or information in any of the King's courts of record; in which action or ſuit, no eſſoign, wager of law, or protection ſhall be allowed. Penalty for offences.

II. *ſect.* 2. Commiſſions ſhall from time to time be awarded under his Majeſty's great ſeal into every county in this kingdom, to a convenient number of commiſſioners to be nominated by the lord lieutenant, or other chief governor or governors of this kingdom and council for the time being: the ſaid commiſſioners to be choſen out of the juſtices of the peace, with ſuch others to be added to them as the lord lieutenant or other chief governor or governors and council of this kingdom for the time being, ſhall think fit. Commiſſions.

(2) Which commiſſioners ſhall conſider of the ability and ſufficiency of the perſon and perſons that ſhall be licenſed to ſell or utter by retail as aforeſaid, any aquavitæ, uſquebagh or ſtrong waters, brandy, balkan, or any other diſtilled ſtrong waters whatſoever. Ability of perſons.

(3) And the ſaid commiſſioners, or any two or more of them, ſhall aſſemble at ſuch times, and at ſuch known place or places within the limits of their commiſſions, as they ſhall think fit, and then and there ſhall make choice of ſuch perſons, whom as well for their good behaviour, as for their abilities and conveniences of houſes, furniture, and places of dwelling, they ſhall know or be credibly informed to be the fitteſt to ſell aquavitæ and ſtrong waters as aforeſaid, taking always ſpecial care, that ſuch as they ſhall licenſe, be perſons of good behaviour and report. Good behaviour.

(4) And the ſaid commiſſioners, or any two or more of them, ſhall licenſe ſuch perſons to ſell and utter by retail all or any kind of ſtrong waters, or any other the liquors diſtilled, or ſtrong waters whatſoever aforeſaid, to be drank and ſpent as well within the houſe or houſes, or other place in the tenure or occupation of the parties ſo licenſed as aforeſaid, as without in any city, town, or other place within the kingdom of *Ireland*, for any term not exceeding three years from the twenty ninth of *September* next preceding the making of ſuch licenſe, and no longer. Three years.

(5) And every ſuch retailer of aquavitæ, uſquebagh, or ſtrong waters whatſoever, brandy, balkan, or any other diſtilled ſtrong waters whatſoever as aforeſaid, ſhall pay to his Majeſty's uſe ſuch ſums as ſhall be agreed to be paid for ſuch licenſe, ſo as none do pay leſs than the ſum of ten ſhillings yearly, and none ſhall be compelled to pay more in the city and county of the city of *Dublin*, than ten pounds yearly, and in all other cities, towns-corporate, and other places as well within as without franchiſes and liberties in this kingdom, than the ſum of five pounds yearly, by two ſeveral equal payments, the firſt thereof to be made before the perſon ſo to be licenſed take out his licenſe, and the ſecond payment to be made at the end of ſix months after the date of ſuch licenſe, to the hands of collectors to be appointed in every county for that purpoſe, by the ſaid commiſſioners for ſuch county, or any three or more of them. Duty on licenſes. Two payments.

(6) Of which collectors the commiſſioners to be appointed for granting the ſaid licenſes, or any two or more of them are to take recognizances with good ſecurity, with condition for payment duly into the receipt of his Majeſty's exchequer all ſuch ſum and ſums of money which in reſpect of the ſaid licenſes Security from collectors.

ſhall

ſhall be received by him: which recognizances the ſaid commiſſioners, or any two or more of them, are by this act authorized to take accordingly, and if the ſame ſhall become forfeited, to return the ſame into his Majeſty's ſaid court of exchequer, and alſo to take bonds of the parties licenſed for the reſpective ſecond payments.

Duty of collectors. (7) And the collectors aforeſaid, ſhall attend every commiſſion and ſeſſion of the ſaid commiſſioners, as well to make licenſes and recognizances, and to enter the names of all ſuch as ſhall be licenſed into a fair book, as alſo to receive ſuch monies as ſhall accrue out of the ſaid licenſes unto his Majeſty, and the ſeveral ſums thereof likewiſe to enter into the ſaid book.

Books to be ſigned. (8) Which book, at the end of every ſitting, ſhall be ſigned by the hands of two of the ſaid commiſſioners at leaſt, and ſhall be returned, together with ſuch monies as ſhall be received, into the exchequer by the ſaid collectors (that is to ſay) the firſt payment of the ſaid monies by the end of *Michaelmas* term, or thirty days after, and the ſecond payment by the end of *Eaſter* term, or thirty days after yearly, and the ſaid bonds to remain in the hands of the ſaid reſpective collectors, and not to be returned into the exchequer, but in caſe of failure of payment upon the days limited.

Penalty on concealments. (9) And if the ſaid commiſſioners, or any of them, or the ſaid collectors, or any of them, ſhall conceal the name or names of any perſon or perſons ſo licenſed, or any ſum or ſums of money received for the ſame, or any of the ſaid recognizances or bonds, the parties ſo offending, ſhall for every ſuch offence forfeit the ſum of twenty pounds ſterling.

Fees to collectors. III. *ſect.* 3. The ſaid collectors reſpectively may alſo receive after the rate of two ſhillings for every year, which ſhall be comprized in ſuch licenſe for ſelling of wines, and after the rate of twelve pence for every year, which ſhall be compriſed in ſuch licenſe for ſelling ſtrong waters as aforeſaid, and no more, over and above the ſeveral ſums that ſhall be agreed to be paid for the licenſes, by the reſpective perſons to whom the ſaid licenſes ſhall be ſo granted, to be diſtributed by the commiſſioners to their clerks and collectors aforeſaid, in ſuch manner and proportion as they ſhall think beſt for carrying on of the ſervice aforeſaid.

Penalty of exaction. (2) And the ſaid collectors ſhall neither directly nor indirectly exact or receive of any perſon to be licenſed as aforeſaid, any ſum of money, fee, or reward for the ſaid recognizance, licenſe or acquittance, other than as aforeſaid, upon pain of forfeiting the ſum of ten pounds ſterling, and ſhall alſo be put from their office.

Taking rewards. (3) And none of the ſaid commiſſioners ſhall directly or indirectly take any ſum of money, fee or reward of any of the ſaid retailers, for or concerning the obtaining of licenſe as aforeſaid, upon pain of forfeiting the ſum of forty pounds ſterling.

Selling without licenſe. IV. *ſect.* 4. No perſon ſhall ſell any aquavitæ, or other ſtrong waters as aforeſaid by retail, without licenſe to be granted in manner as aforeſaid, upon pain that every perſon ſo offending herein, ſhall, for every ſuch offence, forfeit the ſum of five pounds, to be recovered and diſtributed in manner and form as aforeſaid.

Suit for penalties. V. *ſect.* 6. In caſe any perſon ſhall offend contrary to the intention of this act, or ſhall incur any forfeiture or penalty therein mentioned, ſuch perſons ſo offending, ſhall be proceeded againſt and puniſhed, either in his Majeſty's court of exchequer, or before the juſtices of aſſize at the general aſſizes, or the juſtices of the peace at their quarter-ſeſſions, who by this act, are authoriſed to

enquire

enquire of all and every the offences againſt this act, and to hear and determine the ſame.

Several of the clauſes of this act are altered by the ſubſequent ſtatutes, but as this act is perpetual and the other acts temporary, it ſeemed neceſſary to continue it in its proper place.

VI. *Stat.* 7 *Geo.* 3. *cap.* 27. *ſect.* 9. There ſhall be payable to his Majeſty, his heirs and ſucceſſors, for every licenſe for ſelling *aquavitæ* or any kind of ſtrong waters or ſpirits whatſoever by retail in city of Dublin, and within four miles of the Tholſel, as well within franchiſe and liberties as without, ſuch ſum as ſhall be agreed, purſuant to directions of 17 & 18 C. 2; ſo as none pay leſs than ſix pounds yearly, and none compelled to pay more than ten pounds yearly; and in any other city or town corporate and the liberties ſuch ſum as ſo agreed, ſo as not leſs than four pounds yearly and not more than five; and alſo in any other part of this kingdom, ſo as not leſs than three pounds yearly, and not more than five, any law to contrary notwithſtanding.

Licenſe to retail as agreed by 17 & 18 C. 2. c. 19. ſ. 2.

not under 6l. nor above 10l. in Dublin,

other cities and towns 4l. & 5l. other parts 3l. & 5l.

VII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 6. *ſect.* 1. Whereas in the book of rates annexed to an act 14 and 15 C. 2. *for ſettling the ſubſidy of poundage*, ſpirits perfectly made are rated at twenty ſhillings the gallon, whereby a duty of twelve pence is impoſed on every gallon imported to be ſold within this realm, and a rule annexed that commodities of the growth or manufacture of the Engliſh plantations, imported into England or Wales, and afterwards exported to Ireland, do pay but half part of all ſuch cuſtom and ſubſidies; and to avoid a moiety of the cuſtom or duty great quantities of rum and ſpirits from the plantations have been landed in Great Britain and exported to this kingdom, not only to the great delay and hazard thereof, but to a great loſs to the hereditary revenue, which has been deprived of one half of the duty, although ſuch rum and ſpirits could not have been in contemplation of the makers of ſaid act: for remedy whereof, and that all rum and ſpirits imported may be ſubject to the full and whole cuſtom and duty according to the book of rates, the ſaid proviſo or rule, and all and every proviſo, rule, order, direction, or clauſe, annexed to or in ſaid act, whereby rum and ſpirits as a commodity of the growth or manufacture of any of his Majeſty's plantations may or might be exempted from one half of the ſaid cuſtom or duty, ſhall as to rum and ſpirits hereafter imported as aforeſaid be wholly repealed and of none effect; and the ſame is and are hereby repealed, made void, and of none effect as to all ſuch rum and ſpirits imported, as though ſuch proviſo, rule, order, direction, or clauſe had never been made.

Repeal of 53d rule of 14 & 15 C. 2 c. 9. as to rum and ſpirits from the plantations.

VIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 7. *ſect.* 1. No debenture iſſued nor drawback, allowance, or repayment made, for any ſpirits or ſtrong waters whatſoever, when exported or entered outwards, unleſs ſhipped in caſks or veſſels containing fifty gallons gauge or upwards, and in ſome ſhip of one hundred tons burthen or upwards; if otherwiſe, forfeited, and drawback or allowance repaid to collector of the port to be accounted for to his Majeſty; and all perſons, who ſhipped or cauſed to be ſhipped in any veſſel under one hundred tons, or in leſs quanties, forfeit twenty pounds each caſk.

Exportation in 50 gallon caſks, and ſhips of 100 tons,

or forfeited, and drawback repaid, and 20l. each caſk.

IX. *ſect.* 20.

Continuance.

IX. *ſect.* 20. Continued two years, &c. from twenty fourth of June one thouſand ſeven hundred and ſeventy two.

Spirits imported mixed with ſugar, &c. forfeited with caſks,

and ſeized.

X. *Stat.* 17 & 18 *Geo.* 3. *cap.* 8. *ſect.* 26. Whereas ſpirits much above proof have been imported having glutinous ſubſtances mixed to prevent aſcertaining the real ſtrength: after twenty fourth of June one thouſand ſeven hundred and ſeventy eight any ſpirits imported, with which ſugar, ſugar candy, ſyrup, or other glutinous ſubſtance mixed, forfeited, together with the caſks or veſſels; and it ſhall be lawful for any officer of revenue to ſeize ſame.

No retailer, unleſs licenſed to retail ale or wine as well as ſpirits within county of city of Dublin and circular road, to ſell at one time leſs than one pint, penalty 5l. to informer and houſe of induſtry.

XI. *ſect.* 33. Whereas vending ſpirituous liquors in ſmall quantities is prejudicial to health and morals: no retailer of ſpirituous liquors, unleſs licenſed to ſell ale or wine by retail as well as ſpirits within county of city of Dublin, and all places within the circular road, after twenty fifth March one thouſand ſeven hundred and ſeventy nine, do ſell to any perſon or perſons at any one time any quantity of ſpirituous liquors leſs than one pint, under penalty of five pounds for every time he ſhall offend; to be recovered upon conviction in a ſummary way before any magiſtrate of the city or juſtice of peace of county of Dublin; or in caſe of non payment by diſtreſs and ſale of goods of offender; one molety to uſe of informer, the other to the houſe of induſtry.

33 G. 2. c. 10. l. 57. recited,

and 19 & 20 G. 3. c. 12. ſ. 93.

XII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 15. *ſect.* 1. Whereas by thirty third George the ſecond every exporter of ſpirits or ſtrong waters, diſtilled in this kingdom, ſhall to intitle himſelf to allowance or drawback, firſt make oath before the collector or chief officer that the full duty of exciſe has been paid, and that ſaid ſpirits or ſtrong waters have not been lowered after duty of exciſe paid; and by an act nineteenth and twentieth of your Majeſty's reign, the allowance or drawback on exportation of ſpirits diſtilled is increaſed to the whole of the inland exciſe, and all duties on ſuch ſpirits; and ſaid requiſites in ſaid oath have been found to obſtruct exportation of ſaid ſpirits, as the exporters being frequently not diſtillers cannot comply with the ſame; and it will tend to advancement of tillage and of exportation of ſpirits diſtilled, as well as prevent a repetition of frauds, to injury of the fair trader and revenue, if the regulations after mentioned ſhall be adopted in place of all former regulations touching ſuch ſpirits to be exported: ſo much of ſaid recited acts, and of all other acts heretofore as in any manner relates to giving or regulating any drawback given upon exportation of ſuch ſpirits, repealed, and the ſame are made null and void.

ſo much of ſaid acts and of all as to drawback on ſpirits exported repealed.

Spirits for export, and for which drawback claimed, equal to 5 degrees in ſtrength or 10 per cent. under hydrometer proof, on export, ſave to *G. Britain*, *Man*, or *Farro*, 10d. per gallon drawback in lieu of all heretofore.

XIII. *ſect.* 2. All ſpirits diſtilled within this kingdom, ſhipped for exportation, and for which any allowance or drawback claimed, ſhall be of a ſtrength not leſs than equal to five degrees, or ten *per cent.* under hydrometer proof; and perſons who export the ſame to any place, except Great Britain, Man, or Farro or Ferro, in manner after directed, ſhall be intitled to and receive ten pence *per* gallon of ſuch ſpirits and of ſuch degree of ſtrength, ſo to be exported, as and for a drawback of the whole exciſe paid, which ſhall be in lieu of all drawbacks or allowances heretofore given on ſuch export; any act to contrary notwithſtanding.

If of greater ſtrength, further 1d. per gallon every

XIV. *ſect.* 3. If the ſpirits or brandies, ſo exported, ſhall be of greater ſtrength than five degrees under hydrometer proof, there ſhall be paid a further drawback after rate of one penny *per* gallon over above the ten pence aforeſaid

ſaid for every four degrees which the ſame ſhall exceed the ſtrength above mentioned, and ſo in proportion for any greater or leſs quantity. 4 degrees.

XV. *ſect.* 4. No drawback on any one gallon of ſpirits or brandies ſhall exceed in the whole fourteen pence. Not to exceed 14d. 1 gallon.

XVI. *ſect.* 5. No repayment of duty, drawback, or allowance ſhall be made or paid for any quantity of ſuch ſpirits, exported in any caſk or veſſel containing leſs than one hundred gallons, or ſhipped on board any ſhip or veſſel of leſs burthen than ſeventy tons, or which ſhall be in ſtrength below five degrees, or [illegible] *cent.* under hydrometer proof, or ſhipped or conſumed on ſhipboard, or for any other purpoſe than as merchandize. In 100 gallon caſks, in ſhips of 70 tons, not below 5 degrees in ſtrength, &c. for merchandize only.

XVII. *ſect.* 6. It ſhall be lawful for any perſon in any ſea port or upon any navigable river to export and ſhip off as merchandize within any uſual ports allowed by law, and at common quays for exportation, or quays appointed for that purpoſe, and within uſual hours, for account of himſelf or any other, to be exported as aforeſaid in preſence of ſome ſworn officer of exciſe, appointed by commiſſioners or ſub-commiſſioners, upon due notice thereof to them given at office of exciſe, within the limits of the diſtricts of the ports or places from whence ſhipped, any ſuch ſpirits or ſtrong waters diſtilled in this kingdom; and ſuch officers ſhall certify the quantity and quality of ſuch ſpirits or ſtrong waters ſo ſhipped off to commiſſioners or collectors of the diſtricts; who are required to pay the perſons ſo exporting for all ſuch ſpirits ſo exported, as directed by this act, within one month after ſuch exportation. Exported within uſual ports, at common quays, or appointed, in uſual hours, in officer's preſence, on due notice, quantity and quality certified by officer to commiſſioners or collectors, paid in 1 month after export.

XVIII. *ſect.* 7. Before any permit granted by any officer for ſhipping any ſpirits, for which ſuch drawback of exciſe is to be paid, the perſon applying for ſuch permit, if he or ſhe be the diſtiller, ſhall make an oath of following import before ſuch officer, who is hereby impowered and required to adminiſter the ſame, *viz.* "That the full duty payable has been paid for all the ſpirits ſo intended to be ſhipped;" and in caſe the ſaid ſpirits have been reduced in ſtrength after diſtilled, "That nothing has been or ſhall be added thereto but water for the purpoſe of reducing the ſame to the ſtrength preſcribed by law;" and every perſon making ſuch oath ſhall produce the gauger's permit for ſaid ſpirits, which permit ſuch officer ſhall keep; and if ſuch ſpirits ſhall be exported by any other than the diſtiller, ſuch perſon ſhall produce to ſuch officer the permit or permits, certificate or certificates, under which he or ſhe received the ſame, and ſhall in like manner make oath of import following, "That the ſpirits ſo intended to be ſhipped are the identical ſpirits received by virtue of the permits or certificates, ſo produced, and neither he, ſhe, nor any perſon for him or her, did to his or her knowledge receive by virtue or under colour of the ſame a greater quantity of ſpirits, than is therein expreſſed, and neither he or ſhe, nor any other perſon to his or her knowledge did or ſhall add any liquor thereto but water to reduce the ſame to the ſtrength preſcribed by law;" and every ſuch officer ſhall then grant a permit annexed to or at the foot of ſaid affidavit for ſhipping the quantity required, and ſhall keep the permit or certificate ſo produced to and depoſited with him. Before permit for ſhipping, oath, if by diſtiller, of full duty paid, and nothing added but water to reduce to ſtrength preſcribed, gauger's permit produced and kept, if by other than diſtiller, permits or certificates produced, and oath made, as to identity, and no more received, and no liquor added but water to reduce, permit annexed to ſaid affidavit.

XIX. *ſect.* 8. Before any drawback ſhall be paid for ſuch ſpirits ſhipped for exportation, the quantity and quality or degree of ſtrength, and contents of each caſk, ſhall be certified by ſurveyor and other officer who reſpectively ſhipped and gauged; and the perſon ſo exporting ſhall make oath before the cuſtomer, collector, or principal officer of the port whence exported, who are impowered and required to adminiſter the ſame, of the quantity ſo ſhipped, the ſhip and maſter's name, and to what place bound, and that to his or her knowledge or belief: Quantity and quality and contents of each caſk certified, exporter's oath,

maſter's oath when clearing out.

belief ſaid ſpirits or any part have not been, nor are intended to be unſhipped or landed in any other than the place in ſaid oath mentioned; and the maſter of the ſhip when clearing out ſhall likewiſe make oath before ſuch officer, who is impowered and required to adminiſter, "That he has ſaid ſpirits on board his ſhip, and that they are not intended to be relanded to his knowledge or belief, and that he will not ſuffer the ſame, or any part, to be relanded in Ireland, or landed in Great Britain, or iſlands of Man, Farro, or Ferro, except in caſe of inevitable diſtreſs.

Bond in double the drawback to export, and not reland, or in G. Britain, Man, or Farro, re-delivered on certificate of c. magiſtrate or 2 known merchants where landed, or proof of taken or periſhed.

XX. *ſect.* 9. Such perſon, before intitled to receive any allowance or drawback, ſhall enter into a bond to your Majeſty, your heirs or ſucceſſors, in double the ſum, conditioned that ſuch ſpirits or ſtrong waters ſhall be exported beyond ſeas, and ſhall not be relanded, or landed in Great Britain, or Iſle of Man, or iſlands of Farro or Ferro; and upon certificate returned under hand and ſeal of the chief magiſtrate beyond ſeas, or of two known merchants where ſuch ſpirits or ſtrong waters landed, that the ſame were there landed, or upon proof to ſatisfaction of any one of commiſſioners of cuſtoms or exciſe, or of the collector or chief officer of the reſpective ports, that ſuch ſpirits or ſtrong waters were taken by enemies, or periſhed in the ſeas, ſaid bond ſhall be delivered up to ſuch exporter to be cancelled without any fee.

Quakers may affirm.

XXI. *ſect.* 10. If ſuch maſter or exporter be a known quaker, the ſolemn affirmation of ſuch maſter or exporter ſhall be taken inſtead of ſuch oaths reſpectively.

If relanded or unſhipped, &c. to be ſo without officer's licence or diſtreſs made known forthwith, or if landed in G. Britain, Man, or Farro, maſter and exporter forfeit treble, to K. and informer.

XXII. *ſect.* 11. If ſuch ſpirits or ſtrong waters, ſo ſhipped for exportation, ſhall be afterwards relanded or unſhipped in any part of Ireland, or put on board any boat or veſſel in any creek, haven, or port thereof, or at ſea, to be relanded contrary to true intent hereof, without licence of one or more of principal officers of ſuch place, or unleſs in diſtreſs to ſave the ſame from periſhing, which ſhall be made known forthwith to one of the officers where ſuch ſhip ſhall arrive, or if any ſuch ſpirits or ſtrong waters ſhall be landed in Great Britain, Iſle of Man, or of Farro or Ferro, except in diſtreſs as aforeſaid, the maſter, purſer, or perſon having charge of ſuch ſhip, and alſo exporter of ſuch ſpirits ſhall each forfeit treble value of ſuch ſpirits, one moiety to your Majeſty, your heirs and ſucceſſors, the other to informer.

Forging or altering certificate, acting therein, uttering as true, fined or impriſoned not above 100l. or 6 months.

XXIII. *ſect.* 12. If any falſely make, forge, counterfeit, eraſe, or alter, or procure to be, or knowingly act or aſſiſt in falſe making, forging, counterfeiting, eraſing, or altering any certificate before mentioned, or knowingly utter or publiſh as true, any falſe, forged, counterfeited, eraſed, or altered certificate as aforeſaid, ſuch perſon lawfully convicted according to due courſe of law, ſhall be fined or impriſoned at diſcretion of the judge before whom tried: provided ſuch fine ſhall not exceed one hundred pounds, and ſuch impriſonment ſhall not exceed ſix months.

If on demand proper permit not produced for veſſels above 4 gallons, forfeited with carriage and horſes, and 5l. by porter or carman, or three months impriſoned.

XXIV. *ſect.* 28. If any perſon carrying or conveying *aquavitæ*, ſpirits, or ſtrong waters, in any veſſel containing more than four gallons, ſhall not upon demand by any officer of exciſe produce a proper permit, then in force, and ſufficient to protect and warrant the conveyance, the ſaid ſpirits and veſſels ſhall be ſeized and forfeited, with the cart, car, or other carriage or draught, and the horſes drawing or carrying; and the porter or carman ſhall forfeit five pounds, and in default of payment, ſuffer three months impriſonment.

If unlicenſed, and above 4 gallons found, or waſh, &c. deemed concealer and liable.

XXV. *ſect.* 29. Unlicenſed diſtiller or retailer of, or dealer in ſpirits for ſale, in whoſe cuſtody found any quantity exceeding four gallons, except ſpirits, for which a permit produced, or any waſh, pot ale, low wines, or ſinglings,

deemed

deemed to all intents a perſon concealing, and ſubject to penalties to which diſtillers liable for concealing ſpirits, pot ale, low wines, or ſinglings, or waſh, or for making uſe of private veſſels for making *aquavitæ*, ſpirits, or ſtrong waters.

XXVI. *ſect.* 38. Whereas perſons upon delivery of caſks at the place conſigned, have taken from the heads the tickets, and affixed the ſame to other caſks, containing ſpirits unlawfully diſtilled: where a ticket is by law directed to be affixed or faſtened to head of any caſk containing *aquavitæ*, ſpirits, or ſtrong waters, upon inland carriage, ſuch ticket ſhall remain and be kept affixed or faſtened, until the permit by virtue of which ſuch caſk, and the ſpirits conveyed, ſhall be lodged with the proper officer appointed, and his certificate thereof obtained, upon pain of forfeiting ſuch caſk, and the ſpirits therein.

Ticket kept affixed till certificate of permit lodged, or caſk and ſpirits forfeited.

XXVII. *ſect.* 60. All perſons dealing in ſpirits of any kind, who keep a ſhop, or for whoſe ſole or joint uſe or benefit any ſhop for ſale of exciſeable goods kept, either in his or her name, or name of any other, ſhall be deemed retailers of ſpirits, and ſubject to rules, regulations, reſtrictions, forfeitures, and penalties, for want of licence, certificate, or otherwiſe, or for or on account of any other thing whatſoever that common retailers of ſpirits are ſubject and liable to, notwithſtanding any importation of goods and commodities by wholeſale by ſuch perſons ſo being, or pretending to be, wholeſale merchants, or any certificate for that purpoſe.

Shopkeepers, or for whoſe uſe kept, deemed retailers of ſpirits and liable, notwithſtanding wholeſale importation or certificate.

XXVIII. *ſect.* 61. It ſhall be lawful for any one or more of chief commiſſioners of exciſe to hear and determine all complaints, and to levy, or cauſe to be levied, all forfeitures, fines, and penalties incurred for ſelling wine or ſpirits without licence, in ſame manner, and as effectually to all intents, as any three are now impowered to do, with like remedy of appeal as herein after.

1 or more commiſſioners may determine and levy for wine or ſpirits without licence, appeal as herein.

Braziers and Pewterers.

I. *Stat.* 9 *Will.* 3. *cap.* 39. *ſect.* 1. No perſons uſing the trade of pewterers and braſiers, or who trade or deal in the ſame within this realm, ſhall ſell or change any pewter or braſs, new or old, ſave only in open fairs and markets, or in their publick ſhops and dwelling houſes, upon pain that every perſon acting contrary hereunto, ſhall for every ſuch offence forfeit forty ſhillings; the one half to go to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other half to the perſons that ſhall ſeize, find, or proſecute for the ſame.

In fairs and markets.

II. *ſect.* 2. No perſon ſhall caſt, make, or work any new pewter or braſs veſſel, but ſuch as ſhall be of as good fine metal as the pewter and braſs wrought after the perfect goodneſs required for the ſame within the city of *London*, upon pain of forfeiture of all ſuch pewter and braſs veſſels wrought contrary thereunto; the one half of ſuch forfeiture to be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other half to the uſe of the diſcoverer and proſecutor for the ſame.

Standard of metal.

(2) Which offences ſhall be examined and determined in all cities and corporate towns, by and before the mayor or other head officer of ſuch city or town corporate, and in all other places, by and before two juſtices of the peace of the reſpective counties where ſuch goods ſhall be ſo ſeized, who are required to examine the ſaid matters on oath of one witneſs, and to give

Trial of offences.

judgment thereupon for the forfeiture of ſuch goods to the uſes aforeſaid, or otherwiſe for diſcharging and reſtoring the ſame, as they ſhall ſee cauſe.

Quarter-ſeſſions. (3) Which judgment ſo given, ſuch mayor, juſtices of the peace, or other officer, are required to return and certify to the juſtices of the peace at the next quarter ſeſſions to be held for ſuch city, town corporate, or county reſpectively, that the ſame may be there entered of record.

Exception. III. *ſect.* 3. Provided that no pewter and braſs ſhall be ſo ſeized or forfeited, ſave only ſuch as ſhall at the time of ſuch ſeizure be in the poſſeſſion of ſome pewterer or braſier, or other perſon uſing the ſaid trade, or ſelling ſuch pewter or braſs, or of ſome perſons in truſt for them, and not ſuch as ſhall be in the poſſeſſion of any other perſon not uſing ſuch trade, as the proper goods of ſuch other perſon.

Hollow wares. IV. *ſect.* 4. No perſon ſhall make any hollow wares, that is to ſay, ſalts, and pots, or the like, of pewter called lay-metal, which ſhall be of coarſer or worſe metal than according to the aſſize of lay-metal wrought within the city of *London*.

Marks. (2) And the makers of ſuch wares ſhall make the ſame wares with ſeveral and particular marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame, and ſuch wares may appear to be made by them; and all ſuch wares, not ſo ſufficiently made, wrought, or marked, found in the poſſeſſion of the maker or ſeller, ſhall be ſeized as forfeited.

Value forfeited. (3) And if the ſame ware be ſold before ſuch ſeizure, then the maker ſhall forfeit the value of the ſame ware ſo unlawfully wrought and ſold, the one half of ſuch forfeiture to be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, and the other half to the uſe of the finder and proſecutor for the ſame; ſuch offences to be examined, heard, and determined as aforeſaid.

Falſe ballance. V. *ſect.* 5. If any perſon uſing, buying, and ſelling of pewter and braſs, ſhall have or make uſe of any deceitful or falſe beams or weights, ſuch perſons ſhall for every ſuch offence forfeit five pounds, the one half to the poor of the pariſh where ſuch offence ſhall be committed, the other half to the perſons diſcovering and proſecuting for the ſame; ſuch proſecution to be before ſuch reſpective perſons, and in like manner as for the other offences before mentioned, and ſuch perſons are hereby authorized and required to act therein as in caſes of ſuch other offences.

Putting in ſtocks. (2) And if the offenders ſhall not be ſufficient to pay the ſaid ſums ſo by them forfeited, it ſhall be lawful for ſuch perſons before whom ſuch offences ſhall be tried, to put ſuch offender in the ſtocks for two hours, and after to continue him in cuſtody until the next market day for the place where ſuch offence ſhall be committed, and then in the open market place, during the chief time of ſuch market, to put and continue him with his head in the pillory for the ſpace of one hour.

Search for offenders. VI. *ſect.* 6. It ſhall be lawful for the maſter and wardens of the ſaid crafts of pewterers and braſiers, within every city and borough where ſuch maſter and wardens are, and where ſuch maſter and wardens are not, then for the head officer and magiſtrates of the ſaid city and borough, to appoint certain perſons moſt expert in knowing of the ſame, to make ſearch in cities and boroughs where they dwell, for ſuch offenders, and them to apprehend.

Seizing goods. (2) And alſo to ſeize ſuch goods as they ſhall juſtly ſuſpect to be made contrary to this act, and liable to be ſeized by virtue thereof, and to bring ſuch offenders and goods before the reſpective perſons hereby required to hear

and

and determine ſuch offences, in order to their further procedure thereupon, according to the directions of this act.

Juſtices of peace.

(3) And the juſtices of the peace within every county are required, at the general ſeſſions of the peace to be held for their reſpective counties, at *Michaelmas* in every year, to appoint two certain perſons having experience in ſuch goods, to make ſearch in the premiſſes in every part of the ſaid county, as well within franchiſes as without, except in cities or boroughs where perſons are appointed for that purpoſe by the head officer or governors of the ſame, and to ſeize ſuch offenders and goods, and bring the ſame before ſuch juſtices of the peace, in order to their further procedure thereon as aforeſaid.

In default of maſters.

(4) And in default of the maſter and wardens, or other the perſons to be appointed according to this act, of ſearching in manner aforeſaid, it ſhall be lawful for any other perſons, having knowledge in the ſaid occupation, by overſight of the mayor, bailiff, and head officers of the ſaid cities and boroughs, to ſearch all the aforeſaid places for any of the aforeſaid unlawful metals and unlawful weights, in order to the putting of this act in due execution. (*Eng. Stat. 21 Hen. 8. cap. 5.*)

Content of alembicks.

VII. *Stat. 33 Geo. 2. cap. 10. ſect. 82.* No braſier or other perſon, ſhall make any ſtill, black pot, or alembick, which ſhall contain more than twelve gallons, and which ſhall not contain two hundred gallons: and if any braſier or other perſon ſhall make any ſuch ſtill, *&c.* or if ſuch ſtill, *&c.* ſhall be found in the ſhop or work-houſe of any braſier, ſuch braſier or other perſon who ſhall make ſuch ſtill, *&c.* or in whoſe ſhop or houſe the ſame ſhall be found, ſhall forfeit twenty pounds, to be recovered in manner *as in this act is* mentioned.

Veſſels hired without notice as by 33 G. 2. c. 10. ſ. 73. ſeized and forfeited if no property claimed.

I. *Stat.* 7. *Geo.* 3. *cap.* 27. *ſect.* 6. If any veſſel for brewing let out for hire without notice given as by 33 *Geo.* 2. and any officer of exciſe ſhall find or diſcover the ſame, and no perſon claims property therein, ſuch officer may ſeize and carry ſuch veſſel to the next exciſe office; and if not claimed within 21 days after the day of ſeiſure, forfeited and confiſcated.

Refuſing gauger 20l. perſon employed 10l.

II. *ſect.* 7. Every common and retailing brewer for ſale, and perſons employed to attend brewhouſes or ſtorehouſes, ſhall, as often as required by the officer appointed to view, gauge, and take account, ſhew all the ſtock then in hand of beer, ale, guile, or wort, under penalty of twenty pounds forfeited by ſuch brewer in caſe of refuſal, and of ten pounds by the perſon ſo refuſing; and if ſuch officer on ſearch find any not declared or ſhewn, brewer forfeits five pounds for every barrel concealed, with all ſuch beer, ale, guile, or worts; ſaid penalties and forfeitures over and above all other ſuch brewer ſubject to by any law of exciſe now in being.

concealment, 5l. per barrel, and the beer, above other penalties.

24 hours notice in writing, on hiring out, 5l. penalty.

III. *Stat.* 12 & 12 *Geo.* 3. *cap.* 7. *ſect.* 9. All who after 24 June 1772, have or keep any brewhouſe, kieve, or pan for brewing, and let out the ſame for hire, ſhall give notice in writing to, and ſerve the ſame on, the gauger or other officer of the diſtrict 24 hours at leaſt before he ſhall let out, mentioning the perſon's name and abode to whom they have agreed to let out, under five pounds penalty every time let out without ſuch notice.

Revenue laws ineffectual, frauds by brewers.

Strong beer brewers not to brew or ſell ſmall,

nor the contrary, to declare in writing to collector or gauger which intended for three months,

entered,

brewing contrary to declaration 50l. penalty,

brewers of ſtrong, not under 18s. 4d. per barrel, 32 gallons clear of all deductions,

of ſmall, not above 6s. per barrel,

IV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 8. *ſect.* 1. Whereas the laws for improvement of revenue, and prevention of frauds have proved ineffectual; and great frauds are practiſed by common brewers, by mixing ſmall beer and ale or ſtrong beer, and making uſe of bad and improper ingredients, whereby the brewery hath been conſiderably diminiſhed, and health endangered: after 29th September 1778, no common or retailing brewer of ſtrong beer or ale ſhall brew or ſell any ſmall beer; and no common or retailing brewer of ſmall ſhall brew or ſell any ſtrong beer or ale; and every common or retailing brewer ſhall declare in writing to collector of the diſtrict, and alſo to gauger of the walk in which he carries on his trade, whether he intends from that time to the end of three calendar months next enſuing to be a brewer of ale and ſtrong, or of ſmall beer; which declaration ſhall be forthwith entered by ſuch collector and gauger in their books reſpectively; if after ſuch declaration any common or retailing brewer, ſo declaring to be a brewer of ſtrong beer or ale, ſhall brew any ſmall beer or ale of a lower price than eighteen ſhillings and four pence by the barrel, containing thirty two gallons, clear of all deductions, and without any abatement, or allowance made by barrel to the ſcore, or otherwiſe; or ſo declaring to be a brewer of ſmall ſhall brew any ale or ſtrong beer, that is, any of an higher price than ſix ſhillings the barrel, containing thirty-two gallons, ſhall forfeit for every ſuch offence fifty pounds: and if any common or retailing brewer, ſhall, after 29th of September 1778, make any brewing before ſuch declaration, ſhall forfeit fifty pounds for every ſuch offence.

brewing before declaration 50l.

Strong beer brewer ſo charged for all found in his poſſeſſion.

V. *ſect.* 2. It ſhall be lawful for gauger, or other officer of exciſe, to charge ſuch common brewer, who ſhall declare to be a brewer of ſtrong beer or ale, for all worts or guile found with the duty chargeable upon ſtrong beer or ale.

Three commiſſioners by order in Gazette may (ſave Dublin or Cork)

VI. *ſect.* 3. Provided it ſhall be lawful for chief commiſſioners of exciſe, or any three or more, from time to time, by order ſigned and publiſh-

ed

ed in Gazette, to impower for ſuch time as to them ſeem expedient, all brewers in any particular parts of this kingdom, except Dublin and Cork, to brew as well ſmall as ale or ſtrong beer.

impower to brew both.

VII. *ſect.* 4. After 29th September 1778, if any common brewer of ſtrong beer or ale ſhall ſell, or if any retailer of ſtrong beer or ale ſhall buy any ſtrong beer or ale for a lower price than eighteen ſhillings and four-pence by the barrel, containing thirty-two gallons clear of all deductions, and without any abatement or allowance by barrel to the ſcore, or otherwiſe, ſuch common brewer and retailer ſhall reſpectively forfeit twenty pounds for every barrel of ſtrong beer or ale, ſo bought and ſold.

Strong brewers not to ſell, or retailers buy, under 18s. 4d. per barrel 32 gallons clear, penalty 20l. per barrel.

VIII. *ſect.* 5. Provided, if either buyer or ſeller of ſuch ſtrong beer or ale for lower price than eighteen ſhillings and four-pence by the barrel, ſhall inform againſt the other party concerned in ſo buying or ſelling, the party ſo informing ſhall be admitted to give evidence againſt the party informed againſt, and in caſe of conviction upon ſuch information, diſcharged from penalties incurred.

Informers admitted evidence and diſcharged.

IX. *ſect.* 6. If any brewer of ſtrong beer or ale ſhall, after 29th September 1778, ſell upon truſt or credit at a lower price than eighteen ſhillings and four-pence by the barrel of thirty-two gallons, clear of all deductions, and without any abatement or allowance by barrel to the ſcore, or otherwiſe, ſuch brewer not entitled, or have any remedy to recover any ſum on account of ſuch beer or ale ſo ſold; and all promiſſory notes, bonds, or other writings, as a ſecurity for payment of ſuch debts ſo contracted, are declared void and of none effect.

Selling on truſt at under price, no recovery,

ſecurities given void.

X. *ſect.* 7. After the 29th September 1778, no perſon ſhall ſell or cauſe to be ſold by retail any ſtrong beer or ale at a lower price than two pence half-penny by the quart, nor any ſmall at an higher price than one penny, upon pain of forfeiting every time he or ſhe ſhall ſo offend, 5l. upon due proof upon oath thereof before any juſtice of the county or city where ſuch offender ſhall reſide; and ſuch juſtice is required, upon conviction of ſuch offender, to grant a warrant to diſtrain for the ſame; one half to the poor of the pariſh where ſuch fine levied, the other to informer.

Strong retailed at 2½d. per quart, ſmall at 1d. penalty 5l. before a juſtice, by diſtreſs to poor and informer.

XI. *ſect.* 8. After 24th of June 1778, no common or retailing brewer, or other retailer of beer or ale, ſhall make uſe of any madder, moloſſes, ſugar, honey, or compoſition or extract of ſugar, or any broom, wormwood, gentian root, drug or herb, or any ingredient whatſoever in brewing, making, or working of any beer or ale, other than water, malt, hops, and barm; and all beer or ale brewed or mixed with any ingredients other than water, malt, hops, and barm, ſhall be forfeited; and every ſuch common or retailing brewer, or other retailer of beer or ale, offending therein, ſhall forfeit for every ſuch offence ten pounds.

No ingredients in beer or ale ſave water, malt, hops, and barm, or forfeited with 10l.

XII. *ſect.* 9. Provided no penalty or forfeiture herein mentioned ſhall extend to infuſing broom, wormwood, ground-ivy, or other ingredient into beer or ale by retail, after the ſame is brewed and tunned, for making purl or jill, or broom or wormwood beer; or to uſing any ingredient neceſſary for porter, in making or brewing the ſame.

Except for purl, jill, broom or wormwood beer, or porter.

XIII. *ſect.* 10. Whereas by an act eleventh and twelfth of George the third, *for improvement of revenue*, every perſon, brewing beer or ale for ſale, ſhall deliver to retailer a certificate, ſpecifying the real quantity, and whether above ſix ſhillings the barrel price, or of ſix or under, which certificate ſhall be given to the gauger on the next viſit: and certain brewers to evade ſaid act, deliver a diſtinct

Recital 11 & 12 G. 3. c. 7. ſ. 10. to evade which ſeparate certificates delivered to retailer, for every caſk; one certificate only

shall be delivered of the whole, the price, time, and to whom.

distinct and separate certificate for every cask, whereby such retailer is enabled to deliver to the gauger certificates for so many casks only as remain unsold: after the 24th of June 1778, every common brewer or person brewing or making beer or ale for sale shall, so often as they deliver any beer or ale to retailer or other person selling, send and deliver therewith one certificate only, signed by such common brewer or other person, or their clerk or head-servant; in which certificate shall be specified the whole quantity so delivered, distinguishing whether such beer or ale was above six shillings the barrel price, or of six shillings or under, at what time brewed, and when and to whom sent.

Second certificates of succeeding parcels the same day delivered to retailer, with quantity, price, time, &c.

XIV. *sect.* 11. If after 24th June 1778, any such common brewer, or other person brewing or making any beer or ale for sale, shall deliver to such retailer or other person selling more than one quantity or parcel of beer or ale in one and the same day, every such brewer shall upon delivery of each succeeding quantity or parcel deliver therewith to such retailer one other certificate signed by such brewer, clerk, or head servant; in which shall be expressed the quantity then delivered, and theretofore delivered in the same day, specifying the quantities and parcels in which the same was delivered, and whether such beer or ale so delivered in the same day was above six shillings *per* barrel price, or of six shillings or under, at what time brewed, and when, and to whom sent; and on delivery of every second or other certificate, every such common brewer or other person shall receive from such retailer the former certificate or certificates delivered to him on the same day, in case the same shall not have been delivered to the gauger pursuant to the directions herein after contained; and the last certificate delivered in any one day, and no other, shall be brought in account against the stock of such brewer, or other person selling beer or ale.

the former given back, if not delivered to gauger, the last only brought in account.

Certificate accepted by retailer, and delivered to gauger on next visit, gauger to enter in stock book particulars, and indorse and file every certificate; penalty on brewer 40s. retailer not producing certificate, charged with duty, and 40s. per barrel;

XV. *sect.* 12. After 24th June, 1778, every certificate so signed shall be accepted by the person to whom such beer or ale sent or delivered, and by him delivered to gauger of the walk on the next visit, save only such certificate as previously given up to such brewer, on a further certificate; and such gauger is required to enter in his stock book the quantity, quality, and time of delivery of such beer or ale expressed in such certificate, with names of such brewer and retailer, and to sign his name on the back of every such certificate, and file the same in excise-office of the district; and in case any brewer shall not cause to be delivered to such retailer on delivery of any beer or ale such certificate, such brewer or other person shall forfeit for every such offence forty shillings; and in case any gauger or officer of excise shall find in possession of any retailer or person selling any beer or ale, for which such retailer shall not on demand produce such certificate, every such retailer or person shall be chargeable with the duty payable on beer and ale, for the quantity so found, and for which, such certificate so demanded shall not be produced, and also forfeit forty shillings for every barrel thereof found in possession, for which such certificate so demanded not produced, unless previously given up, pursuant to this act.

Permit sent with certificate, when carried into another district, penalty 40s. per barrel on brewer, possessor 40s. per barrel and excise.

XVI. *sect.* 13. After 24th June 1778, every common brewer or other, brewing or making beer or ale for sale, shall, as often as they sell any to be carried into district of any excise-office, other than where brewed, send a permit with such certificate as aforesaid, signed by the gauger of the walk in which brewed; and if any brewer neglect so to do, they shall forfeit for every barrel so found in any other district without such permit forty shillings; and the person in whose possession found shall pay the excise thereof, and forfeit forty shillings every barrel.

XVII. *sect.*

XVII. *ſect.* 14. After 24th June 1778, where it ſhall appear by certificate ſigned by any common or retailing brewer or other, brewing beer or ale for ſale, clerk or head ſervant, that they have delivered out more than a decreaſe ſhall appear for in the ſtock of ſuch brewer, they ſhall, by the gauger or officer of exciſe, be charged with all the duties, to which ſuch quantity ſo delivered out, more than the decreaſe ſhall appear for in the ſtock is by law liable, as if ſuch encreaſed quantity had been originally gauged, and over and above ſaid duties, ſhall forfeit forty ſhillings every barrel found ſo delivered out, and for which there ſhall not be ſuch a decreaſe in ſtock.

On increaſe found, duties paid and 40s. per barrel.

XVIII. *ſect.* 15. If any perſon after 24th June 1778, falſely make, forge, or counterfeit, or cauſe or procure, or willingly act or aſſiſt in the falſe making, forging, or counterfeiting any ſuch certificate for delivery of beer or ale with intention fraudulently to cover their ſtock, or ſhall utter and publiſh as true any falſely made, or counterfeited certificate for purpoſe aforeſaid, with intention to defraud, knowing the ſame falſely made, forged, or counterfeited, being lawfully convicted according to due courſe of law, ſhall be fined or impriſoned at diſcretion of the judge before whom tried, provided ſuch fine ſhall not exceed fifty pounds, and impriſonment not exceed ſix months.

Falſe certificates fined not above 50l. impriſoned not above 6 months.

XIX. *ſect.* 16. Whereas brewers frequently tun wort or guile between the evening and morning viſit of the officer, and replace with a diſtinct brewing privately made, and impoſe ſuch on the officer as wort or guile of the brewing gauged and taken an account of the evening before: after 24th June 1778, whenever any new wort or guile found, or diſcovered in poſſeſſion of any brewer, of which ſuch brewer, or ſervant, ſhall not have made a previous declaration, ſuch new wort or guile, after the ſame ſhall be gauged, ſhall be deemed as an increaſe made to the former brewing ſo gauged at laſt viſit, and charged accordingly; and every common or retailing brewer, ſo offending, ſhall, for every barrel ſo encreaſed, over and above the quantity in former brewing, forfeit five pounds; and the ſervant or ſervants any way knowingly concerned or aſſiſting in ſuch new brewing, or increaſe of wort or guile, ſhall forfeit for every barrel ſo newly brewed or increaſed, twenty ſhillings, and for default of payment ſuffer three months impriſonment.

New wort or guile after gauging deemed increaſe and charged,

penalty on brewers 5l. per barrel,

ſervants 20s. per barrel, or impriſonment 3 months.

XX. *ſect.* 17. Whereas brewers, for bringing into ſtock beer and ale clandeſtinely brewed, on turning out replace with empty caſks, or of water or taplaſh, and by mixing ſuch with their ſtock, and placing on the upper part froth or barm, impoſe upon officers, and ſhew and declare the ſame as part of their ſtock, obtaining credit for more in ſtock than entitled to: after 24th June 1778, every common or retailing brewer of beer or ale, or ſervant, who ſhall ſhew ſtock to the officer, ſhall count all the caſks of beer, ale, guile, or worts, and declare the number of each denomination to the officer ſo taking account; in caſe ſuch brewer, or ſervant, refuſe ſo to do, they ſhall forfeit for every ſuch offence twenty pounds; if after declaration there ſhall be found any empty caſk, or containing any other liquor or thing, ſave only what they were declared to contain, or any caſks more than one of each denomination, but in part full, or a greater number of caſks in the whole, than declared, ſuch brewer ſhall forfeit, for every caſk ſo found, contrary to ſuch declaration, forty ſhillings; and when ſuch declaration made, the account of the ſtock of beer, ale, guile, or worts, of any brewer ſo declared, ſhall be deemed and taken to be the ſtock of ſuch brewer at time of taking the ſame.

On ſhewing ſtock all caſks counted,

number of each denomination declared,

refuſing, 20l.

40s. per caſk contrary to declaration,

account declared, deemed the ſtock at the time.

Not to act as magiſtrate under this act, preſident of court of conſcience excepted.

XXI. *ſect.* 34. No brewer of ale or beer ſhall, during this act, have power to act in or execute as a juſtice of peace or magiſtrate any of the powers, clauſes, or things in this act, except the preſident of court of conſcience for Dublin; and all ſuch things ſo acted in, or executed by any ſuch brewer, ſhall be utterly null and void.

Oath by brewers of ſtrong beer previous to declaration.

XXII. *ſect.* 35. Every common or retailing brewer of ſtrong beer or ale, ſhall, at or before the declaration touching his intention to brew ſtrong beer or ale, upon demand of officer to whom ſuch declaration made, take an oath, or if a quaker, affirmation, to the following effect; which ſaid officer is directed to adminiſter.

The oath,

to act honeſtly,

uſe no fraud;

malt 7 ſtone qr and hops 1lb. h. per barrel at 32 gallons,

no combination to lower.

I, *A. B. do ſolemnly ſwear*, or if a quaker, *do affirm, that I will truly, faithfully, and honeſtly carry on the trade or buſineſs of a brewer of ſtrong beer or ale, to the beſt of my ability, knowledge, and ſkill, and that I will not practiſe, or knowingly ſuffer to be practiſed by any perſon to be employed by me, any kind of impoſition or fraud in making, brewing, or ſelling the ſame, and that not leſs than ſeven ſtone and a quarter of malt, and one pound and an half of hops, ſhall be made uſe of, in making and brewing each barrel of beer or ale, which ſhall be brewed and ſold by me, or for my uſe, ſuch barrel to be computed at thirty-two gallons, and that I will not enter into any combination with any perſon or perſons to lower the quality of ſtrong beer or ale, during the continuance of this act.*

Refuſing diſqualified.

And in caſe of refuſal to take ſaid oath or affirmation ſuch brewer diſqualified from carrying on ſaid buſineſs, whilſt he ſo refuſes.

33 G. 2. c 10. eluded by brewers and diſtillers, by night, and preventing officers examining till late next day, having right to deliver out liquors between 3 and 9 from March to ept. and to March between 5 and 8,

common brewer and diſtiller ſhall, between 3 in morning and 8 in evening, attend, or cauſe ſome perſon, and admit excife officers and aſſiſtants to view ſtores, gauge, and take account of liquors, as often as required,

not admitting after demand, and waiting one half hour at the uſual entrance, penalty 10l.

Delivering beer or ale to retailer without certificate, 40s per barrel in lieu of all penalties before.

XXIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 12. *ſect.* 9. Whereas an act thirty third George the ſecond for regulating collection of revenue and preventing frauds, hath been eluded by brewers and diſtillers, who commit fraudulent practices, particularly in the night, and prevent officers of revenue from entering or examining until a late hour on the ſubſequent day, and have now a right to deliver out beer, ale, aquavitæ, ſpirits, and ſtrong waters to cuſtomers from twenty fifth March and twenty ninth day of September yearly, between three in the morning and nine in evening, and from twenty ninth September to twenty fifth March between five in morning and eight in evening: every common brewer and diſtiller ſhall, from twenty ninth September to twenty fifth March in every year, at any time or times between three in the morning and eight in evening of each day, and from twenty fifth March to twenty ninth September, between three in the morning and eight in evening, either attend in perſon and admit or cauſe ſome perſon to attend and admit officers of excife and aſſiſtants into their breweries, diſtilleries, or ſtores, and permit to view the ſame, and to gauge and take account of liquors therein, as often as ſuch officers attend, and require to be admitted within the times and manner before mentioned; and in caſe any officer ſhall not get admittance, after having demanded and declared his name and buſineſs, and waited one half-hour after at the gate or door of any common brewer or diſtiller, through which ſuch officer uſually admitted, ſuch common brewer or diſtiller ſhall forfeit ten pounds for every ſuch offence.

XXIV. *ſect.* 10. Whereas brewers delivering to retailers without certificate are liable to different penalties, by which much uncertainty and confuſion have ariſen: every common brewer or perſon brewing for ſale, who ſhall deliver, or cauſe to be, any beer or ale, to any retailer or perſon ſelling without ſuch certificates

certificates as the law requires, ſhall, for every barrel, forfeit forty ſhillings in lieu of all forfeitures or penalties heretofore.

XXV. *ſect.* 11. If any common or retailing brewer, who ſhall declare him or herſelf a brewer of ſtrong beer or ale, ſhall brew any ſmall or of a lower price than eighteen ſhillings and four pence by barrel, containing thirty-two gallons, each two hundred and ſeventeen cubical inches and ſix tenths; or any between eighteen ſhillings and four pence and twenty two ſhillings the barrel, ſuch prices clear of all deductions, abatement, or allowance by barrel to the ſcore, or otherwiſe; or if any ſo declaring to be a brewer of ſmall beer ſhall brew any ale or ſtrong beer of higher value than ſix ſhillings the barrel, they ſhall forfeit for every ſuch offence fifty pounds, one moiety to his Majeſty, the other to informer.

Strong beer brewers brewing ſmall, or under 18s. 4d. per barrel, 32 gallons, each 217 cubical inches and 6-10ths, or between 18s. 4d and 22s. without deduction or allowance, or ſmall beer brewers brewing ſtrong, above 6s per barrel, penalty 50l. to king and informer.

XXVI. *ſect.* 12. For preventing making or ſelling ſtrong beer or porter at a lower price than twenty-two ſhillings every barrel, or ale lower than eighteen ſhillings and four pence: if common or retailing brewer of ſtrong beer, ale, or porter, ſell, or retailer buy, any quantity of ſtrong beer or ale for a lower price than eighteen ſhillings and four pence by the barrel, thirty two gallons, of dimenſions aforeſaid, or any beer or ale between eighteen ſhillings and four pence and twenty two ſhillings by the barrel, ſuch prices clear of all deductions, abatement or allowance by barrel to the ſcore, or otherwiſe, ſuch brewer or retailer ſhall reſpectively forfeit twenty pounds for every barrel of ſtrong beer or ale ſo bought and ſold, and ſo in proportion.

Strong beer or porter not under 22s per barrel, ale 18s. 4d. without abatement or allowance, penalty 20l. per barrel bought and ſold.

XXVII. *ſect.* 13. If brewer of ſtrong beer or ale ſhall ſell upon truſt or credit ſtrong beer or porter at a lower price than at rate of twenty two ſhillings by the barrel, containing thirty two gallons of dimenſions aforeſaid, or ale lower than eighteen ſhillings and four pence by the barrel, or ſtrong beer, porter, or ale, between ſaid prices of twenty two ſhillings and eighteen ſhillings and four pence the barrel, ſuch prices to be clear of all deductions and without any abatement or allowance, ſuch brewer ſhall not be entitled or have any remedy to recover any money on account of ſuch beer, ale, or porter ſo ſold, and all promiſſory notes, bonds, or other writings, given as a ſecurity for ſuch debts or contracts, are void and of none effect.

Securities given for ſtrong beer, ale, or porter, ſold lower, void.

XXVIII. *ſect.* 14. As often as any common or retailing brewer ſhall have any caſk or veſſel, the contents whereof ſhall exceed four barrels, and the top above ſix feet from the ground, ſuch brewer, or perſon attending to ſhew ſtock, ſhall on requeſt of gauger or officer of exciſe furniſh a ſtrong and ſafe ladder of length ſufficient to enable him to aſcend to the top of ſaid caſk, to be applied to the ſide of any ſuch caſk, at which ſaid gauger or officer ſhall require the ſame to be applied, and cauſe to be made an hole of at leaſt three inches diameter in the head of every of ſaid caſks, at the ſide next on which the ladder is placed, for the officer to dip or gauge, and take account of the liquor; and ſuch brewer or ſervant ſhall, at requeſt of the officer at any time open ſaid hole for purpoſe aforeſaid, and if brewer neglect to furniſh ſuch ladder, or to make an hole aforeſaid, or to open when required, or otherwiſe obſtruct or prevent the officer from examining and gauging, ſuch brewer ſhall for every ſuch refuſal, hinderance, or neglect, forfeit fifty pounds.

Brewer having caſks exceeding 4 barrels, and the top above 6 feet from the ground, ſhall furniſh officer with a ſufficient ladder, and make an hole of 3 inches in the head of every ſuch caſk next to that ſide, for officer to dip or gauge and take account, and open it on requeſt, brewer refuſing or otherwiſe obſtructing to forfeit 50l.

XXIX. *ſect.* 15. Every brewer of beer, ale, or porter for ſale, or perſon attending to ſhew ſtock, ſhall upon demand by the gauger or officer furniſh and attend with light ſufficient to enable ſaid officers effectually to gauge and take an account of ſtock; and it ſhall be lawful for the officer to examine ſaid ſtock of beer, ale, guile, or worts, by taſting the ſame or any part; and if brewer

On demand ſhall furniſh light, officer may examine ſtock, and taſte, refuſing light or the taſting ſtock, 50l.

brewer or ſervant, who ſhall attend, ſhall on demand refuſe or neglect to furniſh light ſufficient, or hinder ſuch officer from taſting, ſhall for every ſuch offence, forfeit fifty pounds.

Every perſon, receiving beer, &c. from common brewer to ſell by wholeſale, ſhall firſt give notice of ſuch intent to officer where reſident, with name and abode, and officer may by day enter, gauge, taſte, and take account, as if a common brewer, ſelling or delivering before notice, obſtructing officer, refuſing to ſhew or count ſtock, or to declare or not truly from whom and when received, 20l.

XXX. *ſect.* 16. Whereas perſons connected with common brewers under pretence of being purchaſers to ſell by wholeſale, keep ſtores, into which large quantities clandeſtinely brewed are conveyed, and officers have been prevented from entering or taking account of the ſtocks of ſuch perſons: every perſon receiving beer, ale, or porter from common or retailing brewer, or other to ſell by wholeſale, ſhall, before he commence wholeſale dealer, or ſell or deliver any part, give a notice in writing at exciſe-office of the diſtrict where he ſhall reſide, of his intention, with name and place of abode; and it ſhall be lawful for the officer of diſtrict at all times to enter in the day, houſes, cellars, ſtores, and other places of every ſuch perſon, and gauge, taſte, and take an account of all beer, ale, porter, guile, or wort there found, as if ſuch perſons common brewers; and if any ſuch perſon ſell or deliver any beer, ale, porter, guile, or wort, before notice, or not ſuffer officer to enter, or ſhall hinder from ſearching, gauging, taſting, or taking an account of, or refuſe to ſhew and count ſtock and declare the quantity ſhewed to be all his or her ſtock, or ſhall not declare, or ſhall conceal any part there, or not truly declare from whom and when received, ſuch perſon ſhall forfeit for every ſuch offence twenty pounds.

By 14 & 15 C. 2. c. 8. ſ. 34. return by gauger a charge on brewers or diſtillers, if above their entries, on diſpute of the quantity or quality the return ſhall be verified on oath, and then a charge and not otherwiſe.

XXXI. *ſect.* 17. Whereas by ſaid act, fourteenth and fifteenth Charles the ſecond the return by gauger is a charge upon brewer or diſtiller, who is to pay exciſe accordingly, in caſe the return do exceed what ſaid brewers and diſtillers upon entries charge themſelves with: as often as any diſpute ſhall ariſe between revenue officer and brewer or diſtiller, touching quantity or quality of liquor ſo charged, the return ſo made ſhall be verified by oath of ſuch officers before one of the chief commiſſioners or ſub-commiſſioners of exciſe, that ſaid return is truly and fairly made to the beſt of his ſkill and knowledge, and ſhall then be a charge upon the brewer or diſtiller ſo diſputing, and not otherwiſe.

XXXII. *Stat.* 7 *Geo.* 3. *cap.* 27. *ſect* 2. Commiſſioners of exciſe, any three or more, may grant licences to any chymiſt, apothecary, or druggiſt to uſe any ſtill, black pot, or alembick for making or diſtilling ſimple or compound waters, the full contents whereof ſhall not exceed or contain more than forty gallons, which licences ſhall expreſs the exact contents and metal of which ſuch ſtill is intended to be made; and may licenſe any braſier or manufacturer in metal to make the ſame for uſe of any chymiſt, apothecary, or druggiſt ſo licenſed, any thing in this or any other act to the contrary notwithſtanding. Licence for ſtills of 40 gallons.

XXXIII. *ſect.* 3. No ſuch licences ſhall iſſue, until a bond entered into to his majeſty, his heirs and ſucceſſors, with ſufficient ſecurities in penal ſum of one hundred pounds, conditioned not to diſtil therein *aquavitæ*, ſpirits, or other ſtrong waters, by any act now in force ſubject or liable to any duty or exciſe; which bonds ſhall be valid and effectual in law for recovery of the penalties therein; if any chymiſt, apothecary, or druggiſt uſe any ſtill, black pot, or alembick, before ſuch bond executed, ſhall forfeit one hundred pounds ſterling. 100l. bond not to diſtil ſpirits, or ſtrong waters liable to exciſe.

XXXIV. *ſect.* 4. Penalties in 14 & 15 C. 2. on refuſing entrance and liberty to gauge extended to wife or ſervants refuſing. 14 and 15 C. 2. c. 1. ſec. 25. refuſing entrance.

XXXV. *ſect.* 5. Perſons who lend or hire out any veſſel uſed in diſtilling ſtrong waters, ſhall firſt give twenty-four hours notice in writing to the gauger or exciſe-officer of the perſon's name and abode, to whom they have agreed to lend or hire, under the penalty of five pounds every time they lend or hire out ſuch veſſel for diſtilling ſpirits, without ſuch notice. On hiring out veſſels 24 hours notice, penalty 5l.

XXXVI. *ſect.* 8. Common diſtiller, or maker of ſpirits, or *aquavitæ* for ſale, ſhall place all the caſks and veſſels in which ſuch ſpirits ſtored, in ſuch ſituations reſpectively, as that exciſe officers may readily and effectually take the gauge, or in default are directed to take the dimenſions of the outſide, and charge duties of exciſe according to ſuch dimenſions, as if ſuch caſk or veſſel were of the ſame contents within. Caſks placed for gaugers or charged by the outſide.

XXXVII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 7. *ſect.* 3. Whereas by means of the proviſo in 33 *Geo.* 2. *cap.* 10. (*ſect.* 78.) great frauds committed by private diſtillers for ſale, who encourage an immoderate uſe of ſpiritous liquors among the lower claſs to great detriment of the health of the ſubject, the ſaid proviſo repealed, and made void to all intents and purpoſes; and after 1 Auguſt 1772 no perſon, except licenſed as hereinafter, ſhall have, keep, or make uſe of any ſtill, black pot, alembick, or other veſſel for making any ſpirits, *aquavitæ*, or ſtrong waters whatſoever, which ſhall not hold at leaſt two hundred gallons of liquid meaſure, on pain of forfeiture, and alſo twenty pounds every offence, with all the waſh, pot ale, ſinglings, low wines, and ſpirits found therein, recovered as herein after mentioned. Repeal of 33 G. 2. c. 10. ſec. 78. no ſtill under 200 gallons.

XXXVIII. *ſect.* 4. Chief commiſſioners of exciſe, or any one, or any collector in his diſtrict, may and are required to grant on application without fee or reward, a licence to any chymiſt, apothecary, or druggiſt, to keep or uſe one or more ſtills, black pots, or alembicks of ſuch dimenſions, and no other as mentioned by him, and ſpecified in ſuch licence, for diſtilling medicinal compound or cordial waters only. Licences to chymiſts, &c. for medicinal waters.

XXXIX. *ſect.* 5. Every chymiſt, *&c.* applying ſhall previous to iſſuing ſuch licence, enter into bond to his majeſty, with one or more ſecurities, in the penal ſum of one hundred pounds, not to ſell any ſpirits whatſoever, except medicinal compound and cordial waters only, nor lend or let out to hire 100l. bond not to ſell ſpirits, nor lend or hire ſtill.

hire any such still, black pot, or alembick to any person, if the condition broken, said bond valid and effectual in law for recovery of the penalty, and such licence, immediately after judgment had, null and void to all intents, constructions, and purposes.

Licences for 12 gallon stills.

XL. *Sect.* 6. Commissioners of excise, or any three, may issue licences to such, as they think proper, to keep and use one or more stills, black pots, or alembicks at their discretion, not exceeding twelve gallons dimensions each, for distilling medicinal waters, or making experiments and discoveries in natural philosophy, any thing herein to the contrary notwithstanding.

Entrance by day on suspicion on warrant on oath,

XLI. *Sect.* 7. If any excise officer after 1 August 1772, shall satisfy any justice or chief magistrate, not an officer of revenue, by information on oath in writing, setting forth the grounds of his suspicion, that there is reasonable or probable cause to believe, any still, black pot, or alembick is concealed in any house, out-house, or place of any private person, such magistrate, if he sees sufficient foundation, may by warrant under hand and seal impower such officers, assisted by the constable or other, civil officer in the day from the 21 March until 21 September every year between the hours of 10 and 6, and after 21 September, between 10 & 3, at no other times or hours, to enter to search for the same; if refused or denied, such constable, *&c.* may after refusal break open, enter, and search for such stills concealed; if any found, seized and deemed forfeited with all the low wines, spirits, and *aquavitæ* found in such place, and such officers may attach and carry away the same; provided in any information indictment, or civil action against such excise-officer for such entry, such warrant of a justice of peace shall not be a justification, unless such officer or officers moreover prove reasonable or probable cause of suspicion.

break open on refusal, concealed stills and liquor forfeited, cause of suspicion proved.

Casks placed properly, or gauge on outside.

XLII. *Sect.* 8. Every common distiller of low wines, *aquavitæ*, or spirits for sale shall place all their casks and vessels in such convenient situations, that excise-officers may readily and effectually gauge; and in default said officers directed and authorized to take the outside dimensions, and charge duties accordingly in as full and ample manner, as if of like dimensions within; which charge binding on such common distiller.

XLIII. *Sect.* 20. Continued 2 years, *&c.* from 24 June 1772.

Backs or coolers not altered without written notice to excise officer,

penalty 5l.

XLIV. *Stat.* 13 & 14 *Geo.* 3. *cap.* 8. *Sect.* 10. After the twenty-fourth of June, 1774, no common distiller of spirits for sale shall alter, or permit or suffer the situation, position, or dipping-place of any back or cooler, by him made use of, to be altered, after the same has been fixed by the proper officer, without first giving notice thereof in writing to the surveyor, or other officer of excise of the district or division, wherein he shall reside, under penalty of five pounds for every such offence, recovered and levied in manner after mentioned.

Permit with name and residence of consignee,

spirits, &c. delivered as directed, if otherwise, forfeited with the cask.

XLV. *Sect.* 11. After the twenty-fourth of June 1774, all permits or let-passes for the carriage of spirits or strong waters from one place to another, shall express the christian and sur-name of the persons to whom sent or consigned, and the place of residence, and the spirits or strong waters mentioned in such permit or let-pass shall be delivered as directed in such permit or let-pass, and at no other place or places whatsoever; and if such spirits or strong waters shall be delivered to any other person, except the person mentioned in such permit or let-pass, or his or their known servants, or at any other place or places than those mentioned in such permit or let-pass, or if

if afterwards carried from the place of the firſt delivery to any other place without renewal of the permit, then, and in either of the ſaid caſes, the ſpirits or ſtrong waters, and the caſk and veſſel in which contained, ſhall be forfeited in ſame manner as if no permit at any time granted for the ſame.

Veſſels licenſed, and regiſtered with the name, place, and contents,

XLVI. *ſect.* 12. After the twenty-fourth of June 1774, no perſon whatſoever ſhall have or keep in their cuſtody or poſſeſſion, or ſhall make uſe of any ſtill, black pot, alembick, or other veſſel, for making or diſtilling any ſpirits or ſtrong waters, before licenſed thereunto by one or more of the chief commiſſioners of revenue of exciſe, and before the ſame be ſet at work, entered and regiſtered in the office of exciſe of the diſtrict, wherein ſuch veſſel is intended to be ſet at work, which entry or regiſtry ſhall contain the chriſtian and ſur-name of the perſon to whom ſuch veſſel ſhall belong, and the true contents, and the place where ſuch veſſel is fixed, or intended to be fixed, and the day of month and year when ſuch regiſtry is made; and the officer of exciſe ſhall thereupon grant a certificate thereof to the perſon making entry of the ſame; and if any ſtill, black pot, alembick, or other veſſel uſed for making or diſtilling ſpirits or ſtrong waters, ſhall, after the twenty-fourth of June 1774, be found or diſcovered in the houſe or poſſeſſion of any perſon or perſons (except a brazier, or other manufacturer in metal) not entered or regiſtered in manner aforeſaid, then every ſuch veſſel ſhall be forfeited and ſeized, and all the waſh and pot ale found therein ſhall be ſpilled, and all low wines and ſtrong waters found therein ſhall likewiſe be forfeited.

certificate thereof,

or forfeited by poſſeſſor (except brazier, &c.) with the contents,

the waſh ſpilled.

Licenſed ſtills of 12 gallons or under for medicinal waters or philoſophical experiments excepted.

XLVII. *ſect.* 13. Nothing herein contained ſhall extend to ſuch ſtills, black pots, or alembicks of the dimenſion of twelve gallons or under, as have been or ſhall be licenſed by the commiſſioners of revenue of exciſe, or any three or more, for diſtilling certain waters, commonly called medicinal waters, or for making experiments and diſcoveries in natural philoſophy; any thing herein to the contrary notwithſtanding.

Not licenſed until bond and ſureties for duties in penalty 20l. per 100 gallons in ſtills.

XLVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 8. *ſect.* 20. Whereas injury hath ariſen to the fair diſtiller as well as to revenue from frauds and failure of inſufficient and diſhoneſt perſons: after 24th June 1778, no perſons ſhall be intitled to obtain from commiſſioners of exciſe any licence to carry on diſtilling buſineſs, until ſuch ſhall enter into a bond to his majeſty, with two or more ſufficient ſureties, approved of by the commiſſioners or any three, or collectors of exciſe in their diſtricts, in the penal ſum of twenty pounds ſterling, for every hundred gallons which the ſtill or ſtills of ſuch perſons applying for licences contain, conditioned for the due payment of all duties ſuch perſons ſhall or may be liable to during the time ſuch perſons continue to carry on the buſineſs of a diſtiller under ſuch licence, on account of ſuch diſtillery.

Diſtillers not to brew ſmall beer or ale for ſale,

charged for all malt liquors as pot-ale or waſh,

and the penalties for concealment.

XLIX. *ſect.* 21. Whereas it is of detriment to the brewing trade and revenue that diſtillers ſhould be permitted to brew for ſale: After 29th September 1778, no diſtiller permitted to brew ſmall beer or ale for ſale; and it ſhall be lawful for the gauger or officer of exciſe to gauge, take account of, and charge all malt liquors of any ſtrength or denomination, in poſſeſſion of any diſtiller, as pot-ale or waſh for purpoſe of diſtilling; and ſaid diſtiller ſhall be ſubject to ſuch penalties, loſs, and forfeitures, as by the laws heretofore for ſhort declaration of or concealing waſh or pot-ale from the gauge, ſight, or view of the officer appointed to take account.

Frauds by diſtilling low wines under pretence of faints, if ſtock declared faints, and 9 gallons produce more than 1 of proof ſpirits, the liquors and veſſels forfeited, and 20s. every 3 gallons, ſtills worked off by gaugers direction without ſtopping or cauſing to run foul, produce in veſſels of 100 gallons each without waſting, penalty 50l. on diſtiller,
if produce more proof ſpirits than 1-9th of the content (allowing 1-7th for working) 20s. every gallon over forfeited,
determined by the hydrometer,
if mixture to prevent knowing their ſtrength, forfeited with the caſk and 20l.

Faſtenings and locks provided and repaired at expence of diſtillers, penalty 50l. for not repairing.

On 4 days notice of intending to begin again, the faſtenings opened, and exciſe charged, no hole in head or breaſt of ſtill, thro' which charged, nor leſs of wort or pot-ale at one time than 400 gallons, penalty 100l.

Sugar bakers on decreaſe of waſh, unleſs ſold and delivered to licenſed diſtillers, charged with duty by diſtillers.

Waſh in veſſels at ſugar bakers 24 hours after taken from ciſtern, or not declared, forfeited, and veſſels with leſs than 400 gallons of ſugar waſh at diſtillers.

L. *Stat.* 19 & 20 *Geo.* 3. *cap.* 12. *ſect.* 18. Whereas great frauds committed by diſtillers removing their faints in ſtock, and replacing with low wines clandeſtinely diſtilled, and declaring ſuch to be faints, and under pretence of faints, large quantities of low wines diſtilled: if any diſtiller or ſervant, who ſhall ſhew the ſtock to gauger, ſhall declare any part to be faints, and it ſhall be found that nine gallons thereof ſhall contain or produce more than one of proof ſpirits, all ſuch liquors ſo declared as faints, or found concealed after declaration, ſhall be forfeited with the veſſels, and the perſon ſo offending ſhall forfeit twenty ſhillings for every three gallons thereof; or if diſtiller or ſervant ſhall declare to gauger his ſtills are charged with or diſtilling faints, ſuch diſtiller or ſervant ſhall at requeſt of gauger work off ſaid ſtill in preſence and according to direction of the gauger, without ſtopping or cauſing it to run foul, and put the produce into veſſels capable of containing not leſs than one hundred gallons each, as gauger ſhall direct, without wilfully waſting or deſtroying any part; and if ſuch diſtiller refuſe to work off, or ſhall ſtop or ſpill or deſtroy any produce, ſhall forfeit fifty pounds; and if produce of ſuch ſtill amount to more proof ſpirits than one-ninth part of the content, allowing one-ſeventh for working, ſuch diſtiller ſhall forfeit for every gallon of proof ſpirits ſo produced over ſaid ninth-part, twenty ſhillings; the ſtrength of ſuch ſpirits, and liquors as declared faints, to be determined by the hydrometer uſed for proving ſtrength of imported ſpirits, and if ſalt, ſugar, ſyrup, or glutinous matter mixed with ſpirits, or liquors declared as faints, ſo as to prevent their ſtrength being known by the hydrometer, the diſtiller in whoſe cuſtody found ſhall forfeit twenty pounds, with ſuch liquor or ſpirits, and the caſk.

LI. *ſect.* 19. Whereas frauds committed by charging ſtills in abſence of officers with worts or waſh, of which no account taken: on or before twenty-ninth September one thouſand ſeven hundred and eighty, every diſtiller, maker, compounder, or rectifier of low wines, ſpirits, or ſtrong waters, except chymiſts, apothecaries, or druggiſts, ſhall provide ſuch faſtenings to the head, furnace, door, and cocks of every ſtill, as approved by inſpector or ſurveyor of the diſtrict where diſtiller reſides, and pay for ſuch locks and keys as provided by inſpector or ſurveyor for ſecuring the ſame; and if any ſhall be broken or put out of order, ſuch diſtiller ſhall pay for repairing, on pain of fifty pounds.

LII. *ſect.* 25. After twenty-ninth September one thouſand ſeven hundred and eighty no diſtiller ſhall have any hole in the head or breaſt of any ſtill, through which the ſame may be charged, nor ſhall any diſtiller after twenty-fifth March one thouſand ſeven hundred and eighty-one ſet in any back, or ſmaller quantity of wort or pot-ale at one time, than four hundred gallons, on pain of forfeiting ten pounds.

LIII. *ſect.* 26. Whereas ſugar-bakers by concealing names of perſons, to whom ſold waſh, and by giving fictitious names, guilty of frauds; as often as decreaſe of waſh at ſugar-bakers, unleſs ſold and delivered to a licenſed diſtiller, ſuch ſugar-baker charged, and ſhall pay the duty payable by diſtillers and makers of low wines, ſpirits, aquavitæ, or ſtrong waters for ſale.

LIV. *ſect.* 27. Whereas diſtillers, who buy waſh, frequently put the ſame in caſks in ſugar-bakers yards to be fermented: all waſh in veſſels at ſugar-bakers twenty-four hours after taken from the ciſtern, or not declared to the gauger, forfeited with the veſſels; and all veſſels, containing a ſmaller quantity than four hundred gallons of ſugar-waſh found at any diſtillers, ſhall be forfeited, together with the waſh therein contained.

LV. *ſect.*

LV. *sect.* 28. Whereas distillers conceal large quantities in premisses belonging to persons adjacent: all spirits, wash, pot-ale, low wines and singlings, found in the houses or premisses of any person, not licensed to distil the same, except spirits for which a permit produced, shall be forfeited, and the vessels, and the persons on whose premisses found, subject to penalties, to which distillers liable for concealing.

Spirits, wash, &c. found with persons not licensed to distil, (except permit produced) forfeited with the vessels, and subject to penalties on distillers concealing.

LVI. *sect.* 29. It shall be lawful for officer of excise, who shall find any wash or pot-ale concealed, not property of nor claimed by a licensed distiller, to sell the vessels to licensed distiller with said wash, provided said wash shall sell equal to the duty, otherwise spilled; and in case such wash sold, the purchaser charged with excise as for any other part of stock, together with the purchase-money.

Wash or pot ale concealed, not claimed by licensed distiller, sold with vessels to any licensed, if equal to the duty, otherwise spilled, if sold, charged with excise as for other part of stock.

LVII. *sect.* 30. Whereas granting licenses for distilling spirits in obscure places remote hath encreased expence of collecting, contributed to frauds and injured health by consumption of bad spirits, injurious to fair distiller, and to revenue: every distiller, who shall make use of one or more stills, containing one thousand gallons each or upwards, shall have an allowance or abatement in excise at rate of six *per centum* for all wash distilled in said stills; and who shall make use of stills of five hundred and under one thousand gallons each, shall have allowance at rate of three *per cent.*

Abatement 6 per cent, for wash in stills of 1000 gallons; of 500 3 per cent.

LVIII. *sect.* 31. All licenses heretofore to distillers, chymists, apothecaries, or druggists, shall be null and void; and every distiller, apothecary, chymist, or druggist, shall on or before twenty-ninth September one thousand seven hundred and eighty, and every subsequent year, take out a license to continue for one year only, and enter into such security, in such manner, as by laws heretofore respectively directed, on pain of forfeiting all stills and distilling utensils, spirits, low wines, or wash, vessels and casks found in possession of such who shall not have such license, all which any officer of revenue may seize and carry away.

Licenses heretofore void, distiller, apothecary chymist, or druggist, shall every 29th Sept. take out license for 1 year only, and enter into security as by laws heretofore, or forfeit stills, utensils, spirits, low wines, or wash, and casks, seized by any officer.

LIX. 21 & 22 *Geo.* 3. *cap.* 16. *sect.* 13. Whereas by the nineteenth and twentieth of your Majesty's reign, every distiller shall, from the day he or she shall set still at work, be charged and pay excise in the manner and at respective rates therein after mentioned for twenty eight days, and for every day longer that the head or heads of his or her still or stills remain unlocked, and until he or she shall give to collector, surveyor, and gauger the notice therein after directed, of the day of intending to stop working, and should be also charged and pay excise in like manner, rate, and time after every future declaration from the day of unlocking still or stills: and by said act also every distiller, who shall not have a copper or vessel to brew his pot ale, and shall have one or more stills, shall be charged with and pay excise for four charges of low wines for each still, for twenty eight days after the day, on which such distiller shall begin to distil, together with the excise of as much more pot ale, wash, low wines, singlings, or strong waters, as he or she shall be found to make or distil within said twenty eight days, and in like proportion every day until such distiller give notice in writing to the collector and surveyor, and gauger, of the day on which intended to stop, and require his stills might be locked: and also that every distiller, who shall have one or more stills, and a copper or vessel to brew his pot ale, shall be charged with and pay excise for six charges of low wines for each still for twenty eight days, after such distiller shall begin to distil, together with excise of as much more pot ale, wash, low wines, singlings, or strong waters, as found to make or distil within said

19 and 20 G. 3. c. 12. s. 20. recited,

and s. 21,

and s. 22,

and ſ. 23.

twenty eight days, and in like proportion for every day, until ſuch diſtiller ſhould give notice in writing to collector and ſurveyor, and gauger of the day on which intended to ſtop, and require ſtills might be locked: and alſo that every diſtiller who ſhall intend to ſtop, might, after twenty eight days from the day of beginning to diſtil, ſtop by giving notice in writing ſix days before the day intended to ſtop, to the collector, and ſurveyor, and gauger where ſuch diſtiller reſided, of intention, and requeſting that ſtills may be locked on a day named, and that after receipt of ſuch notice, it ſhould be lawful for ſurveyor or gauger to ſtrap down and lock on the head of each ſtill belonging to ſuch diſtiller, and to lock the door of the furnace grate, and ſecure, ſtop, and lock the diſcharge cock or pipe of each ſtill; and if ſurveyor or gauger ſhall by any means be prevented or hindered from ſo doing by any perſon at ſuch diſtillery, or by the diſtillery being locked up, and no perſon appearing to give entrance, ſuch diſtillers ſhall ſtand charged and pay exciſe, as if no notice had been given of intention to ſtop; and if, twenty four hours after any ſtill ſhall be locked, ſuch ſtill, or the works in which it be ſet, ſhall be found hot, the diſtiller to whom it belongs ſhall forfeit fifty pounds, unleſs ſuch ſtill ſhall be opened upon a new declaration in manner therein after mentioned: and alſo that any diſtiller, who ſhall ſtop diſtilling for a time, and deſire to ſet to work again, ſhall give four days notice to the collector, and ſurveyor and gauger where ſuch diſtiller reſides, of the day on which he intends to begin to work again: and ſurveyor or gauger ſhall upon ſuch notice open the locks and faſtenings of the ſtills, and charge with exciſe, as therein before directed; and whereas ſaid regulations have been eluded, and found inſufficient; ſo much of ſaid act, as is herein before recited, ſhall after twenty fourth of June one thouſand ſeven hundred and eighty two be repealed and made void.

and ſ. 24, ſo much of 19 & 20 G. 3. c. 12. as recited, repealed.

Exciſe paid for 28 days after ſtill unlocked, and for every day after till notice of intent to diſcontinue, and till ſtill taken down or locked, and the heads locked, ſo after every future declaration,

LX. *ſect.* 14. In lieu thereof, after twenty fourth June one thouſand ſeven hundred and eighty two every diſtiller, from the day on which his ſtill unlocked at his deſire, ſhall be charged with and pay exciſe, in manner and according to quantities after mentioned, for twenty eight days next enſuing, and for every day after until ſuch notice given to the collector, ſurveyor, and gauger as herein after, of the time of intending to diſcontinue working, and until his ſtill or ſtills ſhall be taken down or locked, or both, as the caſe may be, in manner herein after directed, and until the heads of ſuch ſtills, as are to be taken down, ſhall be locked; and every ſuch diſtiller ſhall likewiſe after every future declaration of intention to have ſtills unlocked, ſtand charged with and pay exciſe in like manner, according to like quantities, and time to commence from the day of unlocking ſtills, after ſuch ſucceſſive declaration as aforeſaid, on deduction of two days being made for the purpoſe of putting up or replacing ſuch ſtills as taken down, ſo as ſuch ſtills be not ſet to work upon either of ſaid two days, and alſo an allowance of one pound ſterling being made to every ſuch diſtiller out of the exciſe for replacing every ſtill of five hundred gallons content and upwards, and of twelve ſhillings for replacing every ſtill of two hundred gallons, and leſs than five hundred content.

two days deducted for replacing, allowance 1l. for 500 gallon ſtills, 12s. for 200 and under 500.

Stills fixed in brick or ſtone furnace with mortar, or forfeited.

LXI. *ſect.* 15. After twenty fourth June one thouſand ſeven hundred and eighty two no diſtiller or maker of *aqua vitæ*, ſpirits, or ſtrong waters, ſhall ſet any ſtill to work for brewing waſh or pot-ale, or diſtilling, unleſs ſet and fixed up to the breaſt in a furnace of brick or ſtone, with mortar of lime and ſand, on pain of forfeiting every ſuch ſtill found to have been ſet to work otherwiſe.

LXII. *ſect.*

LXII. *ſect.* 16. Every diſtiller, whoſe ſtills of leſs than one thouſand gallons content each, ſhall be conſidered as continuing to work, until ſaid ſtills ſhall be taken down out of the works, and placed as herein after directed; and the perſon, to whom the ſame belong, or who have the cuſtody, ſhall be charged with and pay exciſe accordingly.

Stills under 1000 gallons conſidered as at work till taken down and placed, and exciſe paid.

LXIII. *ſect.* 17. Every diſtiller, being a maker of ſpirits, who ſhall have any ſtill of one thouſand gallons content or upwards each, ſhall be charged with, and pay exciſe for ſix charges of low wines for every ſuch ſtill for twenty eight days next after the day on which ſuch ſtills unlocked, together with exciſe of as much more pot-ale, waſh, low wines, ſinglings or ſtrong waters, as found to make or diſtil within ſaid twenty eight days, and in ſame proportion for every ſubſequent day, until ſuch ſtills purſuant to notice herein after directed to the collector, ſurveyor, and gauger, ſhall be locked as herein directed.

Still of 1000 gallons charged for ſix charges of low wines for 28 days after unlocked, with exciſe of as much more pot ale, &c.

LXIV. *ſect.* 18. Every diſtiller who ſhall have any ſtills under one thouſand and not leſs than five hundred gallons each content, ſhall be charged with and pay exciſe for ſeven charges of low wines for every ſuch for twenty eight days next after the day on which ſtills unlocked, together with exciſe of ſo much more pot-ale, waſh, low wines, ſinglings, or ſtrong waters, as found to make or diſtil within ſaid twenty eight days, and in ſame proportion for every day until purſuant to notice to collector, ſurveyor, and gauger, as after mentioned, taken down and locked as herein directed.

Under 1000 and not leſs than 500 gallons, charged for 7 charges of low wines for 28 days, &c.

LXV. *ſect.* 19. Every diſtiller who ſhall have one or more ſtills under five hundred and not leſs than two hundred gallons each content, ſhall be charged with, and pay exciſe for eight charges of low wines for every ſuch ſtill for twenty eight days next after the day on which unlocked, together with exciſe of as much more pot-ale, waſh, low wines, ſinglings, or ſtrong waters, as found to make or diſtil within ſaid twenty eight days, and in ſame proportion for every day until purſuant to ſuch notice to collector, ſurveyor, and gauger, as herein mentioned, taken down and locked as after directed.

Under 500 and not leſs than 200 gallons charged with 8 charges of low wines for 28 days, &c.

LXVI. *ſect.* 20. Every diſtiller who ſhall intend to diſcontinue diſtilling with all or any of his ſtills, may after twenty eight days from the day of unlocking, diſcontinue diſtilling with all or any ſtills by giving notice in writing of ſuch intention ſix days before the day on which he or ſhe intends ſo to diſcontinue; which notice ſhall be ſerved upon collector of the diſtrict, and ſurveyor, and gauger of the walk wherein ſuch diſtillery carried on, requiring ſtills ſo intended to be diſcontinued may on a day therein named, if one thouſand gallons or upwards each content, be locked, or if under a thouſand, be taken down and locked; and upon ſuch diſtiller's cauſing to be locked, if of one thouſand gallons or upwards each content, ſo intended to be diſcontinued, or taking or cauſing to be taken down all intended under one thouſand gallons content clear out of the works, and laying the ſame on the ground near the grate, on which the ſame was or were fixed, it ſhall then be lawful for ſurveyor or gauger to ſtrap down and lock on the head of every ſuch ſtill ſo intended to be diſcontinued, and to lock the door of the furnace grate, and ſecure, ſtop, and lock the diſcharge cock or pipe; and if ſurveyor or gauger ſhall be prevented or hindered from ſo doing by any perſon at ſuch diſtillery, or by means of the diſtillery's being locked, and no perſon to give entrance, or otherwiſe, or if any ſtill of one thouſand gallons or upwards ſhall not be ſo locked, or if under one thouſand ſhall not be ſo taken down, laid, and

Notice of intention to diſcontinue diſtilling given 6 days before to collector, ſurveyor and gauger,

if ſtill of 1000 gallons or upwards to be locked, or if under 1000 taken down and locked,

locked, ſuch diſtiller ſhall ſtand charged with and continue to pay exciſe, as if no notice given of ſuch intention to diſcontinue.

Still of 1000 gallons if found warm 24 hours after locked, diſtiller forfeits 50l.

LXVII. *ſect.* 21. If ſubſequent to twenty four hours after ſuch ſtill of one thouſand gallons having been locked, ſuch ſtill, or the works in which ſet ſhall be found warm, the diſtiller, in whoſe poſſeſſion found, ſhall forfeit fifty pounds, unleſs opened upon a new declaration in manner herein.

If replaced or warm after 24 hours 50l, unleſs new declaration.

LXVIII. *ſect.* 22. If any ſtill under one thouſand gallons ſo taken down ſhall be replaced, or after twenty-four hours from the time taken down and locked, found warm, or if the worm tub or water therein found warm, the diſtidler, in whoſe poſſeſſion the ſame ſhall then be, ſhall forfeit fifty pounds, unleſs fixed and ſet to work upon a new declaration in manner herein.

Four days notice of intent to work again, the faſtenings opened, and exciſe charged.

LXIX. *ſect.* 23. Any diſtiller who ſhall for a time diſcontinue and deſire to ſet to work again with ſuch ſtills, ſhall give four days notice to the collector, and ſurveyor, and gauger of the walk wherein ſuch diſtillery carried on, of the day on which he or ſhe intends to begin to work again; and ſurveyor or gauger ſhall upon ſuch notice open the locks and faſtening and charge with exciſe as before directed.

All (except braziers) having ſtill above 200 gallons, ſet or unſet, common diſtillers.

LXX. *ſect.* 24. All except braziers, who ſhall have any ſtill of more than two hundred gallons content in cuſtody, whether ſet or unſet, ſhall be deemed a common diſtiller for ſale to all intents, and be ſubject to all regulations to which common diſtillers for ſale are ſubject.

Frame of wood 12 inches broad kept fixed through coolers to take level,

LXXI. *ſect.* 25. If any diſtiller ſhall uſe any cooler, through the center whereof he or ſhe ſhall not firſt erect or cauſe to be erected and fixed, and conſtantly keep fixed length ways from one end to the other, a ſufficient frame or ſtage of wood at leaſt twelve inches in breadth for gaugers, or officers of exciſe to take the level, or in brewing or diſtilling make uſe of any cooler, not ſcrewed down, or otherwiſe well and ſufficiently faſtened to beams firmly fixed on both ends to the walls of his or her ſtill houſe or houſe uſed for brewing pot-ale, or in ſome other firm and ſubſtantial works erected for that purpoſe, or ſhall alter or ſuffer the level, ſituation, poſition, or dipping place of any cooler by him or her made uſe of, or the beams that ſupport the ſame, (after having been ſo fixed as aforeſaid) to be altered, without due notice thereof four days at leaſt to the officer or gauger; or if ſuch diſtiller on demand of the gauger, or other officer of exciſe, made to him or her, or to the perſons attending, to ſhew ſtook, ſhall not furniſh or cauſe to be furniſhed a ſtrong and ſafe ladder of length ſufficient to enable ſuch officer to aſcend to ſaid cooler, and fix the ſame at the dipping place; every diſtiller in any of the caſes aforeſaid ſhall for every ſuch offence forfeit twenty pounds.

coolers ſufficiently faſtened,

poſition or dipping place not altered without four days notice,

ſufficient ladder furniſhed,

penalty 20l.

LXXII. *ſect.* 26. No diſtiller ſhall put into any back or cooler a ſmaller quantity of wort or pot-ale than four hundred gallons, or make uſe of any veſſel to put low wines or ſinglings in, which ſhall be of leſs content than the full charge of his ſtill, in which ſuch low wines or ſinglings diſtilled, or ſhall make uſe of a ſecond veſſel for putting low wines or ſinglings in, unleſs the firſt be full of ſuch low wines or ſinglings, on pain of forfeiting ten pounds for every ſuch offence.

Not under 400 gallons of wort or pot ale, no veſſel of leſs content than full charge of ſtill, nor ſecond uſed unleſs the firſt full of low wines, &c. penalty 10l.

LXXIII. *ſect.* 27. Whereas diſtillers keep veſſels filled many weeks, during which they work off the contents privately, and replace with concealed pot-ale or waſh: all pot-ale or waſh made of corn, not diſtilled in ſeven days, including day of brewing and of diſtilling, and all ſugar waſh, or waſh of molaſſes, not diſtilled in fourteen days, including day of breaking down the molaſſes or ſugar

Pot-ale or waſh not diſtilled in 7 days incluſive, ſugar waſh in 14, of ſweet waters in 7, conſidered as new, and diſcharged

ſugar with water, and of diſtilling, and all waſh of ſweet waters, not diſtilled in ſeven days, including day of receiving and of diſtilling, ſhall be conſidered as new waſh, and charged with duty accordingly.

LXXIV. *ſect.* 30. It ſhall not be lawful for commiſſioners of revenue to licenſe any new ſtill of leſs than five hundred gallons content: provided nothing herein ſhall extend to apothecaries, chymiſts, or druggiſts, or perſons having ſtills for making experiments in natural philoſophy, who ſhall be licenſed to keep ſtills, according to laws now in force, or to aſſiſtant ſtills, for purpoſe of doubling, in manner herein.

No new ſtill under 500 gallons licenſed, not extended to apothecaries, &c.

LXXV. *ſect.* 31. No brazier or other, ſhall make any ſtill, black pot, or alembick, which ſhall contain more than twelve gallons, and which ſhall not contain five hundred gallons as aforeſaid, without firſt obtaining a licence from one or more of commiſſioners of exciſe for making the ſame; and if any brazier or other, make any ſuch, without ſuch licence, or if ſuch found in poſſeſſion of any brazier or other, not having a licence for making or keeping ſuch ſtill, ſuch brazier or other perſon, ſhall forfeit ſuch ſtill, black pot, or alembick, and alſo twenty pounds.

No ſtill, &c. made above 12 gallons, and not containing 500, without licenſe, or forfeited, and 20l.

LXXVI. *ſect.* 32. If any ſtill found in poſſeſſion of any perſon, except a brazier or manufacturer in metal, unleſs ſuch perſon ſhall produce a licence for keeping ſuch ſtill, ſigned by one or more of chief commiſſioners of exciſe, or by collector of the diſtrict where ſuch ſtill found, ſuch perſon in whoſe cuſtody found, ſhall forfeit twenty pounds, together with ſuch ſtill, and all diſtilling utenſils, ſpirits, and materials for diſtilling found therewith.

Stills found (except with brazier, &c.) unleſs licenſed, forfeited, and 20l.

LXXVII. *ſect.* 33. In caſe any diſtiller ſhall have one or more ſtills of one thouſand gallons or upwards each content, and ſhall during the time ſuch ſtills unlocked, diſtil with any ſuch ſtill twelve charges of waſh or pot-ale, in every week, in which ſuch ſtills unlocked, every ſuch diſtiller ſhall, notwithſtanding any thing contained in this act to contrary, be permitted, for every ſuch large ſtill, diſtilling twelve charges a week, to keep a ſmall ſtill, not exceeding one third of the content of ſuch large ſtill, for diſtilling his or her low wines, or ſinglings only, the content of which ſmaller ſtill or ſtills ſhall not be charged againſt ſuch diſtiller: provided that ſuch diſtiller ſhall forfeit one hundred pounds for every ſuch ſmall ſtill, if uſed for diſtilling waſh or pot-ale, or in any other manner than for diſtilling the low wines or ſinglings from waſh or pot-ale ſo diſtilled by ſuch larger ſtill.

For 12 charges a week of waſh or pot ale in large ſtill, a ſmall ſtill, not exceeding 1-3d, permitted for the low wines or ſinglings only;

penalty 100l. if uſed otherwiſe.

LXXVIII. *ſect.* 34. Whereas frauds are committed by diſtillers in remote parts, who after they obtain a licenſe pretend they have no occaſion for uſing their ſtills, and diſtil large quantities clandeſtinely: no perſon ſhall be licenſed to carry on diſtilling ſpirits, unleſs ſuch perſon ſhall firſt enter into a bond to his Majeſty, his heirs and ſucceſſors, in penalty of two hundred pounds, conditioned to pay exciſe for one hundred and twelve working days in each year; for twenty eight days in the quarter, commencing the firſt of January; twenty eight the firſt of April; twenty eight the firſt of July; and twenty eight the firſt of October, purſuant to rules and regulations herein.

No licenſe to diſtil, till bond 200l. to pay exciſe for 112 working days each year, 28 days per quarter.

LXXIX. *ſect.* 35. Every diſtiller who ſhall make uſe of one or more ſtills of one thouſand gallons each or upwards content, ſhall have an allowance or abatement in exciſe, at rate of ten pounds *per centum* for all waſh diſtilled in ſaid ſtills; and every diſtiller who ſhall make uſe of one or more ſtills of five hundred gallons, and under one thouſand, ſhall have an allowance or abatement in exciſe of five pounds *per centum* for all waſh diſtilled in ſaid ſtills; which allowances ſhall

10 *per cent.* allowance on ſtills of 1000 gallons,

5 *per cent.* on ſtills of 500, and under 1000.

ſhall be in lieu and inſtead of any allowance or abatement to any diſtillers in like caſes reſpectively, by any law or laws heretofore.

No licenſe to diſtil where no market, unleſs a gauger ſtationed, licenſe void on changing reſidence.

LXXX. *ſect.* 36. No licenſe ſhall be granted to make or diſtil *aquavitæ*, ſpirits, or ſtrong waters, at any place not being a market town, where one or more market or markets are and ſhall be held weekly, unleſs a gauger ſtationed in ſuch place; and any licenſe to diſtil *aquavitæ*, ſpirits, or ſtrong waters, ſhall be null and void, ſo ſoon as the perſons who obtained, ſhall change reſidence to any place from that for which ſaid licenſe granted.

No hole in head or breaſt of ſtills; not under 400 gallons of wort or pot ale ſet at one time, or 10l.

LXXXI. *ſect.* 37. No diſtiller ſhall have any hole in head or breaſt of any ſtill through which the ſame may be charged; nor ſhall any diſtiller, ſet in any back a ſmaller quantity of wort or pot ale at one time than four hundred gallons, on pain of forfeiting ten pounds.

A minute book delivered to and kept by brewers and diſtillers, entries therein by officers,

LXXXII. *ſect.* 39. There ſhall be kept in every publick brewery and diſtillery, by every common and retailing brewer, and by every diſtiller or maker of low wines, *aquavitæ*, ſpirits, or ſtrong waters for ſale, a minute book, delivered by ſurveyor or officer of exciſe, appointed to ſurvey and viſit his or her brew houſe, work-houſe, or ſtill-houſe; which book ſhall be ſafely kept by ſuch brewer or diſtiller, and in which ſuch officers ſhall make true entries of all reſpective times of viſiting, and of all ſuch other particulars relative to ſtate and condition of ſuch brewery or diſtillery, as they find neceſſary and expedient, or as directed by ſuperior officer to enter; and in caſe ſuch brewer or diſtiller, after requeſt by ſuch officers, ſhall either refuſe to receive, or neglect to keep ſuch book, or after acceptance wilfully tear, deface, or alter, or cauſe the ſame to be torn, defaced, or altered, or make or cauſe to be made any entry therein, or in caſe ſuch brewer or diſtiller, or perſon employed to attend, ſhall, when required by ſuch officers, refuſe to produce ſuch book, or to deliver the ſame to ſuch officers for purpoſes aforeſaid, ſuch brewer or diſtiller ſhall for every of ſaid offences, forfeit ten pounds ſterling.

refuſing to receive, not keeping, tearing or defacing, making entries,

not producing or delivering, 10l.

Not allowing officer by day to enter and ſearch any place adjoining dwelling, brewery, or diſtillery, on probable ſuſpicion of concealing, 50l.

LXXXIII. *ſect.* 40. Whereas common and retailing brewers and diſtillers, frequently make uſe of places adjoining their own concerns for clandeſtinely brewing, diſtilling, or concealing liquors: if owner or occupier of any houſe, ſtore, or other place adjoining to dwelling houſe, brewery, or diſtillery of any common or retailing brewer of beer, ale, or of any maker or diſtiller of *aquavitæ*, ſpirits, or ſtrong waters for ſale, or if any ſervant or perſon employed by him or her reſpectively, in ſaid premiſſes, ſhall, upon demand in day time, refuſe to give admittance to any gauger or officer of exciſe, or not allow to enter and ſearch ſuch houſe, ſtore, or place for any beer or ale, *aquavitæ*, ſpirits, ſtrong waters, pot ale, waſh, low wines, or ſinglings which ſuch officer ſhall have reaſonable or probable cauſe to ſuſpect fraudulently concealed therein, ſuch owner or occupier ſhall in every ſuch caſe forfeit fifty pounds.

None attending, broke open and ſearched in conſtable's preſence.

LXXXIV. *ſect.* 41. If no perſon attend or appear in ſuch houſe, ſtore, or place, to give entrance, it ſhall be lawful for ſuch officers in day time, in preſence of a conſtable or other lawful officer of the place (who are reſpectively required to be aiding and aſſiſting) to break open, enter, and make ſearch in ſuch houſe, ſtore, or place for ſuch liquors as aforeſaid, which they may have reaſonable or probable cauſe to ſuſpect fraudulently concealed therein.

If no ſuch liquor found, damage repaired or ſatisfied.

LXXXV. *ſect.* 42. If upon ſearch no ſuch liquor found, ſuch officer or officers ſhall repair all the damage done, or make reaſonable ſatisfaction for the ſame to the owner or occupier.

If opening into or from brewery or diſtillery, and entrance refuſed, 50l.

LXXXVI. *ſect.* 43. If the door ſo broken or forced, ſhall open into, or immediately from ſuch brewery or diſtillery, or any part of the premiſſes thereunto belonging,

belonging, and ſuch brewer or diſtiller, or the perſon who ſhall ſhew the ſtock, refuſe or omit upon demand to open the ſame, and give entrance to ſuch officers, ſuch brewer or diſtiller ſhall forfeit fifty pounds.

Stock ſhewn, and declaration made, or 50l.

LXXXVII. *ſect.* 44. Every common and retailing brewer, and every diſtiller or maker of low wines, *aquavitæ*, ſpirits, or ſtrong waters, or the wife of ſuch, or the perſon who ſhall admit or give entrance to any gauger or officer of exciſe, into the brew-houſe, work-houſe, or ſtill-houſe, or ſtores, or other part of the premiſſes belonging to ſuch brewer or diſtiller, ſhall ſhow, or cauſe to be ſhown, to ſuch officer, all ſtock on hand of beer, ale, guile, worts, waſh, pot-ale, ſpirits, ſinglings, or low wines of or belonging to ſuch brewer or diſtiller, and make or give, or cauſe to be made and given, a declaration of the ſame, *viz.* "that the ſtock ſo ſhown is all the ſtock of or belonging to ſuch brewer or diſtiller," on pain of fifty pounds, to be forfeited by ſuch brewer or diſtiller for every time he or ſhe, or any ſuch perſon who ſhall give entrance or admiſſion, ſhall refuſe or omit upon demand, to ſhow or cauſe to be ſhown, ſuch ſtock, or to make ſuch declaration.

Said trades carried on for infants, liable to exciſe duties and penalties.

LXXXVIII. *ſect.* 45. As often as the trade of brewing or diſtilling ſhall be exerciſed or carried on by, in the name, or for the uſe of any infant or perſon under twenty one years, the perſons ſo carrying on or exerciſing ſaid trades, or either, ſhall be liable to all duties of exciſe, and all penalties and forfeitures by laws of exciſe, and ſubject to ſuch regulations and reſtrictions, as fully to all intents as if ſuch perſons ſo carrying on ſaid trades, or either, were adult and of full age.

Strong beer or ale tunned only into hogſheads, barrels, half and quarter barrels, delivered to retailers only in hogſheads or barrels,

LXXXIX. *ſect.* 46. After twenty ninth day of September one thouſand ſeven hundred and eighty three every common brewer or retailing brewer of ſtrong beer and ale for ſale ſhall tun or ſtore ſtrong beer, ale and guile into hogſheads, barrels, half barrels, and quarter barrels only, each of which reſpectively ſhall be of content after mentioned; and ſuch brewers ſhall not deliver any ſtrong beer or ale in any caſk or veſſel to a retailer or other to ſell again, ſave only in hogſheads or barrels; and if any ſuch brewer ſhall after ſaid twenty ninth of September tun or ſtore ſtrong beer, ale, or guile, into any caſk or veſſel, ſave only into hogſheads, barrels, half barrels, or quarter barrels, or ſhall deliver any ſuch beer or ale in any caſk or veſſel to a retailer or other to ſell again, ſave only in hogſheads or barrels, ſuch brewer ſhall for every ſuch offence forfeit five pounds.

penalty, 5l.

Caſks above 68 gallons, each 217 cubical inches and 6-10ths, and under 500 forfeited,

above 42 gallons deemed hogſhead, and rated as 68,

above 21 deemed a barrel, and rated as 42,

above 11 an half barrel, and rated as 21,

exciſe paid accordingly,

may be ſtored in vats above 500.

XC. *ſect.* 47. After twenty ninth of September one thouſand ſeven hundred and eighty three all ſtrong beer, ale, guile, or wort, found by any officer of exciſe in poſſeſſion of any common or retailing brewer, in any caſk, the full contents of which exceed ſixty eight gallons, each containing two hundred and ſeventeen cubical inches and ſix tenths of a cubical inch, and ſhall be under five hundred gallons of content aforeſaid, ſhall and may be ſeized and forfeited, together with the caſk; and every caſk containing ſtrong beer, ale, guile, or worts, the full contents whereof ſhall exceed forty two gallons of content aforeſaid, ſhall be deemed an hogſhead, and rated as containing ſixty eight gallons; and every caſk, the full contents whereof ſhall exceed twenty one gallons of content aforeſaid, ſhall be deemed a barrel, and rated as containing forty two gallons; and every caſk, the full contents whereof ſhall exceed eleven gallons of content aforeſaid, ſhall be deemed an half barrel, and rated as containing twenty one gallons; and the common or retailing brewer, in whoſe cuſtody ſuch veſſel or veſſels ſhall be found, ſhall upon all charges by the gauger on account of ſtrong beer, ale, guile, or worts therein, pay exciſe according to rates aforeſaid: provided nothing herein, ſhall prevent ſuch brewers from

ſtoring

ſtoring ſtrong beer, ale or guile in vats or veſſels of above five hundred gallons content.

If by any device ale ſold below 18s. 4d. per barrel, 32 gallons, 517 cubical inches and 6-10ths each,

XCI. *ſect.* 48. After twenty fourth of June one thouſand ſeven hundred and eighty two if any common or retailing brewer of ſtrong beer or ale, or any perſon for or on behalf of ſuch brewer, ſhall by any bounty or gift of money by way of loan or otherwiſe, or by letting a houſe or houſes under real value, or by paying houſe rent or any part thereof, or by any abatement in ſale of ſpirits, or any other liquors, article, or by any gratuity, conſideration, or compenſation made or given, or promiſed to be made or given, to any retailer buying beer or ale from ſuch brewer, or to any other perſon in truſt for ſuch retailer buying beer or ale from ſuch brewer, or by any other device or contrivance whatſoever whereby the price of ale, ſold or to be ſold by ſuch brewer,

or beer or ale between 18s. 4d. and 22s. per barrel,

ſhall be reduced below eighteen ſhillings and four pence *per* barrel, ſuch barrel containing thirty two gallons, each five hundred and ſeventeen cubical inches and ſix tenths of a cubical inch, or whereby any beer or ale ſhall be ſold between eighteen ſhillings and four pence and twenty two ſhillings by the like barrel, or

or ſtrong beer or porter below 22s.

whereby the price of ſtrong beer or porter ſo bought from ſuch brewer ſhall be reduced below twenty two ſhillings by the like barrel, or if any retailer, or other perſon buying beer or ale to ſell again, ſhall in any manner accept of or

the brewer who ſells, and retailer buying, reſpectively forfeit 50l.

receive any conſideration for purpoſe aforeſaid, every ſuch common or retailing brewer, who ſhall ſell, and every ſuch retailer, or other, who ſhall buy to ſell again, ſhall reſpectively forfeit fifty pounds for every offence ſo committed.

On information admitted evidence againſt each other, informer diſcharged, and intitled to moiety.

XCII. *ſect.* 49. If any information brought againſt buyer or ſeller of ſuch ſtrong beer, ale, or porter, for the penalties reſpectively incurred as aforeſaid, the buyer ſhall be admitted to give evidence againſt ſeller, or ſeller againſt buyer, as the caſe may be; but if either buyer or ſeller be informer, the perſon ſo firſt informing, ſhall in caſe of a conviction be diſcharged from the penalty, and intitled to a moiety of ſaid penalty of fifty pounds.

Name of partners or perſons intereſted given at exciſe office,

XCIII. *ſect.* 50. The name and ſurname of every perſon concerned as partner or in any manner intereſted in any brewery or diſtillery, and for whoſe account carried on jointly with other perſons or otherwiſe, ſhall be given in writing by ſuch perſon to collector or other officer at exciſe office of the diſtrict, where ſuch brewery or diſtillery erected, and ſignify, that he or ſhe is a party concerned; and every perſon, who ſhall have any ſhare, or be concerned or intereſted in any brewery or diſtillery, or in carrying on the

penalty, 50l.

buſineſs, without giving in name and ſurname at exciſe office, ſhall forfeit fifty pounds.

No ſtrong beer or ale retailed under 2½d. per quart nor porter above 3½d. nor ſmall beer above 1d. penalty, 5l.

XCIV. *ſect.* 51. No perſon ſhall ſell or cauſe to be ſold by retail any ſtrong beer or ale at a lower price than two pence halfpenny by the quart, nor any porter at a higher price than three pence halfpenny, nor any ſmall beer at any higher price than one penny, upon pain of forfeiting five pounds for every time ſuch perſons commit ſuch offence, which ſhall be in lieu of any penalty heretofore for ſaid offences reſpectively.

Upon information for penalties by 1 G. 3. c. 7. ſ. 6. for lending private brew-houſe, the party's evidence admitted,

XCV. *ſect.* 53. Whereas by an act in the firſt of your Majeſty's reign, in caſe any perſons let out to hire or lend any private brew-houſe, with or without utenſils for brewing, and without licenſe, the perſons ſo letting or lending, and perſons to whom ſo let or lent, ſhall reſpectively forfeit fifty pounds, and ſaid act hath proved inſufficient by the ſecrecy with which ſuch frauds are carried on: upon trial of any information for

penalties

penalties by ſaid act, it ſhall be lawful for perſons ſo letting to hire or lending ſuch private brew-houſe, or the perſons to whom ſo let or lent, if called on the part of the informer, or of the perſon or perſons ſo letting to hire or lending ſuch private brew houſe, or to whom the ſame ſhall be ſo let or lent, ſhall be the informer or informers in ſuch information, to give evidence on the trial, and in caſe of a conviction upon ſuch information, ſuch perſons ſo giving evidence, ſhall be diſcharged of and from the penalties ſo incurred, and all utenſils found in ſuch private brew-houſe ſhall be forfeited, and applied as herein after. diſcharged penalties, utenſils forfeited.

XCVI. *ſect.* 54. Every common brewer of beer, porter, ale, or ſmall beer, and every diſtiller and maker of *aquavitæ*, ſpirits, ſtrong waters, low wines, ſinglings, or waſh, of any kind, for ſale, ſhall, under his or her own hand, or of ſome for whom reſponſible weekly, on or before Saturday in every week, make true entry at office of exciſe, under which ſuch brewers or diſtillers carry on ſaid buſineſs, of the quantity and quality of all beer, porter, ale, and ſmall beer reſpectively by them brewed, and of ſtrong waters which each diſtiller ſhall be chargeable with duty for, by decreaſe of waſh, or otherwiſe, for and during the week ending Saturday next preceding, and ſhall at ſame time pay and clear off, or cauſe to be, the whole exciſe ſo payable, upon pain of forfeiting twenty pounds for every ſuch omiſſion, neglect, or default of entry and payment, together with a ſum equal to double the duty returned by the gauger to be payable for ſaid week; and tender or payment ſhort of the duty ſo returned, ſhall not exempt ſuch brewer or diſtiller from payment of any part of the penalty aforeſaid; which entry and payment of duty, at the time, and manner herein, and penalty on default, ſhall be in lieu and inſtead of all penalties for default of weekly entry and payment of duty for beer, porter, ale, ſmall beer, *aquavitæ*, ſpirits, or ſtrong waters, by any law or laws heretofore. Weekly entries by brewers and diſtillers at exciſe office, and the whole exciſe paid, penalty 20l. and double duty, in lieu of all former.

Bricks and Tiles.

1. *Eng. Stat.* 17 *Edw.* 4. *cap.* 4. All perſons which ſhall uſe the occupation of making tile, ſhall make it good and thoroughly whited and annealed. And the ground whereof any ſuch tile ſhall be made, ſhall be caſt up before the firſt of *November*, and turned before the firſt of *February*, and not wrought before the firſt of *March*, and ſhall be truly wrought and tried from ſtones. And the veins called maline or marl, and chalk, ſhall be well ſevered from the earth. Whited and annealed.

(2) And every plain tile ſhall contain in length ten inches and an half, and in breadth ſix inches and a quarter, and in thickneſs half an inch and half a quarter; and every roof tile or creaſe tile ſhall contain in length thirteen inches, and the thickneſs of, half an inch and half a quarter with convenient deepneſs. And every gutter tile and corner tile ſhall contain in length ten inches and an half, with convenient thickneſs, breadth and deepneſs. And if any perſon ſet to ſale any ſuch tile, made againſt the ſaid ordinance, the ſeller ſhall forfeit to the buyer the double value, and ſhall make fine and ranſom to the King. And every perſon grieved ſhall have an action of debt againſt the offenders, and his coſts. Size of tiles.

(3) And the juſtices of peace ſhall have power to hear and determine, as well by examination or otherwiſe, the defaults againſt this ordinance, as well Juſtices of peace.

at the King's ſuit as at the parties. And if it appear to the juſtices, that any perſons have offended contrary to this ordinance, the ſame juſtices ſhall aſſeſs upon the offender no leſs fine than for every thouſand of plain tile 5*s.* and for every hundred of roof tile 6*s.* 8*d.* and for every hundred of corner tile or gutter tile 2*s.* ſold contrary to this ordinance. And the juſtices ſhall have power to call before them ſuch perſons as have beſt experience in making of tile, to examine the caſting, turning, making, whiting, and annealing aforeſaid.

Searchers. (4) And no perſon ſhall put ſuch tile to ſale, before it be ſearched, upon pain of forfeiture of the tile. And if the ſearchers find that any perſons exerciſing the occupation of tile making, offend contrary to this ordinance, they ſhall preſent ſuch defaults before the juſtices at their next ſeſſions. And every ſuch preſentment ſhall be as effectual as the preſentment of twelve men. And ſuch ſearchers ſhall have of every ſuch tile-maker, for his ſearch for every thouſand plain tiles 1*d.* of every hundred roof-tile 1½*d.* and every corner tile and gutter tile ¼*d.* And the ſearchers ſhall do their diligence according to this ordinance, upon pain of forfeiture to the King 10*s.* And the juſtices of peace ſhall have power to inquire and determine the faults of ſuch ſearchers.

Digging clay. II. *Stat.* 3 *Geo.* 2. *cap.* 14. *ſect.* 13. Every perſon who ſhall make, or cauſe to be made bricks for publick ſale, or ſhall expoſe ſuch bricks when made to publick ſale in any parts of this kingdom, ſhall be obliged to dig and turn ſuch clay before the month of *November* next preceding the burning of ſuch bricks, and in ſo doing ſhall fairly and cleanly uncaloe or ſtrip the upper ſoil from ſuch brick-earth as they ſhall make uſe of, and ſhall not make uſe of any other than the proper and natural brick-earth.

Turning and tempering. (2) And ſhall alſo be obliged to turn and temper the clay once more after the month of *November*, and before the month of *February* next preceding the burning of ſuch bricks.

Time of moulding. (3) And alſo, that no perſons employed in brick-making, ſhall in any way mould any clay which has not firſt been tempered and turned in manner as is herein before mentioned, and picked clear of ſtones of any kind, particularly lime-ſtones, or ſhall on any pretence whatſoever mould into brick any clay wherein there is any limewaſh, or mould any bricks after the twenty fifth day of *November* in any year, and before the twenty fifth day of *March* following.

Size of bricks. III. *ſect.* 14. All bricks which ſhall be made or burnt for ſale, ſhall when burnt be not leſs than nine inches and a half long, four inches and a half broad, and two inches and a quarter thick.

Conſiſtence of clay. (2) And no perſon in moulding bricks purſuant to this act, ſhall mould any clay as it is delivered to them unleſs it be of ſuch a conſiſtence that it will ſtick together, if taken up with a common pitch-fork of two tangs.

Time of burning. (3) And no perſons employed in brickmaking ſhall mould or burn any bricks in any other time of the year, than between the firſt day of *March* and firſt day of *November*, unleſs ſuch bricks be for the proper and private uſe of the perſons ſo making or burning the ſame, and not for publick ſale, or to be uſed in any of the edifices or buildings of the city of *Dublin*, or any corporate town or city.

Complaints. IV. *ſect.* 15. If any perſons ſhall make any bricks for ſale in any other manner than is herein before directed, upon complaint made thereof before two juſtices of the peace within their reſpective juriſdictions, ſuch juſtices are required

quired to ſummon the perſons ſo complained of to appear before them, and upon the appearance, or default of the perſons ſo complained of, and due proof of ſuch offence by the oath of one credible witneſs, to convict ſuch offenders, and adjudge that they ſhall forfeit twenty ſhillings ſterling *per* thouſand, and ſo proportionably for a greater or leſſer quantity of bricks as ſhall be ſo made for ſale contrary to this act, one half thereof to be given to the firſt informer, and the other to the poor of the pariſh.

(2) The ſame to be levied by warrant under the hands and ſeals of any two juſtices of the peace within their reſpective juriſdictions, by diſtreſs and ſale of the offenders goods, rendering the overplus to the owner; and for want of ſufficient diſtreſs, ſuch juſtices are required to commit the perſons ſo offending to the common gaol of the place where ſuch offence ſhall be committed, there to remain without bail or mainprize for any term not exceeding three months. Warrant of diſtreſs.

V. *ſect.* 16. If any perſons ſhall think themſelves aggrieved by ſuch diſtreſs, ſale, or impriſonment, they may appeal to the next general quarter ſeſſions of the peace to be holden for the place where ſuch diſtreſs, ſale, or impriſonment was made, who are impowered to hear and finally determine the ſame, and to award ſuch coſts to the party who ſhall appear to be aggrieved by ſuch appeal, as they ſhall think reaſonable. Appeal to ſeſſions.

VI. *ſect.* 17. If any carter, carman, loader, or perſons concerned, ſhall deliver falſe or unuſual quantity in bricks, (which uſual quantity is declared to be in brick, one hundred and twenty five to the car load, or ſhall wilfully endeavour to impoſe a falſe account of any ſuch delivery on the perſons to whom the ſame are to be delivered, every ſuch offender, being thereof convicted upon the oath of one credible witneſs, before any juſtice of the peace within their juriſdictions, ſhall, for every ſuch offence, forfeit twenty ſhillings, to be levied by diſtreſs and ſale of the offenders goods, and for want of diſtreſs ſhall be committed to the houſe of correction, there to be kept to hard labour for any time not exceeding three months. Falſe account. Forfeiture.

VII. *Stat.* 11 *G.* 3 *cap.* 6. *ſect.* 1. No perſon ſhall make or cauſe to be made, burn or cauſe to be burned, any bricks within two meaſured miles from the publick lamps of the city of Dublin, on pain of forfeiting the bricks, and ten ſhillings for every thouſand. Not burned within 2 miles, forfeited, and 10s. per 1000.

VIII. *ſect.* 2. Two or more juſtices on complaint ſhall ſummon perſons complained of; and on appearance or default, and due proof of ſuch offence by oath of one credible witneſs convict, and by warrant under hand and ſeal, order ſale by publick cant; and ſaid penalty to be levied by diſtreſs and ſale of goods. Summons by 2 juſtices, ſale.

IX. *ſect.* 3. One moiety of the produce of the bricks after deducting neceſſary expences of ſale and levying, paid to firſt informer; the other to Mercer's hoſpital: for want of ſufficient diſtreſs, committed to common gaol of the city or county, without bail or mainprize, not exceeding three months. To informer and Mercer's hoſpital. Impriſonment 3 months.

X. *ſect.* 4. Pariſhioners and inhabitants of the pariſh, liberty, or precinct, where offence committed, except receiving alms, admitted and allowed competent witneſſes notwithſtanding. Pariſhioners witneſſes.

Accuſtomed bridges.

I. *Eng. Stat.* Magna Charta, 9 *Hen.* 3. *cap.* 15. No town nor freeman ſhall be diſtrained to make bridges or banks, but ſuch as of right have been accuſtomed to make them.

Bridges and walls.

II. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 14. It ſhall be lawful for the grand jury of any county at the aſſizes, or for the grand jury of the county of *Dublin*, in *Hilary* or *Trinity* term, by preſentment to raiſe ſuch ſums of money, as they ſhall think fit, upon county at large, for the building, rebuilding, or repairing any bridge, or part of a bridge, or any wall, or part of a wall neceſſary to the ſupport of any road in ſuch county.

Affidavit and eſtimate.

(2) Provided, that no money ſhall be ſo preſented by any grand jury, unleſs it ſhall appear by the affidavit of two credible maſons, ſworn as before is mentioned, that the ſum therein ſet forth, is a reaſonable charge, to the beſt of their judgment; and that the work therein contained is neceſſary, and cannot be effectually done for a ſmaller ſum, according to the plan and eſtimate annexed to ſuch affidavit, to the beſt of their judgment.

Affidavit of overſeers.

(3) And no money ſhall be paid by the treaſurer of any county, on account of any ſuch preſentment, or on account of any preſentment for the widening of roads, until it ſhall appear to the grand jury, and to the judge of aſſize, or court of king's bench, by the affidavit of one of the overſeers appointed by the grand jury, ſworn before one of the judges of aſſize, or court of king's bench, that the ſum ſo preſented hath been faithfully and honeſtly expended in the execution of the work, for which ſuch money was granted by ſuch preſentment, to the beſt of his ſkill and judgment; and until the ſaid account hath been allowed by the grand jury, and by the judge of aſſize, or court of king's bench.

Repairing bridges.

III. *ſect.* 15. And any two juſtices of the peace of any county in this kingdom, each having an eſtate of freehold in lands, tenements, or hereditaments of the clear yearly value of one hundred pounds at leaſt, within ſuch county, may, under their hands and ſeals, order any ſum, not exceeding five pounds, to be expended in repairing any bridge within ſuch county, which may be ſuddenly damaged, and which ought to be repaired by the ſaid county.

Affidavit.

(2) Provided it ſhall appear to them, by the affidavit of two credible perſons who live in the neighbourhood of, and have viewed ſuch bridge, that the repair of ſuch bridge cannot be delayed to the next aſſizes, or to the next quarter ſeſſions, if in the county of *Dublin*, without prejudice to the county (as they verily believe;) which affidavit the ſaid two juſtices are hereby impowered to take; and the ſaid juſtices may alſo appoint proper overſeers to repair the ſame.

Preſenting for repairs.

IV. *ſect.* 16. And the grand jury for every ſuch county are hereby impowered and required to raiſe by preſentment, the ſum ſo expended in repairing any ſuch bridge, upon any ſuch county at large, to be paid to the overſeers appointed by ſuch juſtices, upon their producing to ſuch grand jury ſuch affidavit as is before mentioned; and ſuch warrant under the hands and ſeals of the ſaid two juſtices, as alſo an affidavit, ſworn by one or more of ſuch overſeers, before the judge of aſſize, or court of king's bench, or before two juſtices of the peace for ſuch county, that they have faithfully and honeſtly expended the ſum ſpecified in ſuch affidavit, in repairing ſuch bridge.

V. *ſect.*

V. *ſect.* 21. And it ſhall be lawful for any perſons who now have, or ſhall hereafter have any ferry over any river, to erect and ſupport a bridge at their own expence over ſuch river in the place of ſuch ferry, and to take and receive for paſſing ſuch bridge, ſuch toll and no more, as they are entitled to receive for paſſing ſuch ferry.

Bridges inſtead of ferries.

(2) Provided that nothing herein contained ſhall extend to ferries in cities or towns corporate.

Exceptions.

VI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 41. *ſect.* 1. After firſt Auguſt, one thouſand ſeven hundred and eighty, every grand jury at any aſſizes may receive from perſons willing to build bridges over any river or water in ſuch county, or county of city or town, any propoſals for building ſuch without any expence to ſuch county; and the plans with a full and particular eſtimate of the expence, and alſo a ſchedule of the tolls intended to be raiſed, if ſuch ſhould be erected in purſuance of this act.

Grand juries at aſſizes may receive propoſals for bridges without expence to the county, and the plans, eſtimate, and ſchedule of intended tolls.

VII. *ſect.* 2. A copy of every ſuch propoſal, eſtimate, and ſchedule, ſhall be affixed ten days previous to the firſt of ſuch aſſizes, on which intended to be laid before the grand jury, on the door of the publick court-houſe where aſſizes uſually holden, and alſo ſerved on the treaſurer and high ſheriff or ſheriffs of every ſuch county, or, if in county of Dublin, ten days before the firſt of each preſenting term; ſaid propoſal to be delivered to treaſurer of ſaid county, or, if in county of a city, on the chief magiſtrate and ſheriffs at aſſizes next preceding the aſſizes, at which preſentment made purſuant, and foreman of grand jury at ſuch preceding aſſizes ſhall certify, that ſaid plan, eſtimate, ſchedule, or other matters relative to building ſuch bridges, was conſidered and approved of by ſuch grand jury, to render notice of ſuch application extenſive as poſſible.

Copy affixed 10 days before aſſizes on court-houſe door, and ſerved on treaſurer and high ſheriff; if in county Dublin 10 days before preſenting term,

ſaid propoſal delivered to treaſurer, or, in county of city, chief magiſtrate and ſheriffs, next preceding aſſizes. foreman ſhall certify grand jury's conſidering and approving it.

VIII. *ſect.* 3. Any grand jury receiving ſuch propoſal, plan, eſtimate, and ſchedule of tolls certified, ſhall deliberate upon and approve or reject, as they think proper, or make ſuch a reduction in the tolls, as they and the perſons preſenting propoſals ſhall agree upon; and if they as truſtees for the publick and the perſons preſenting ſuch propoſals agree on the articles of the plan, eſtimate, and tolls, it ſhall be lawful for ſuch grand jury to make a preſentment, and for the judge of aſſize to confirm, for ſuch bridges to be built, and to annex to preſentment a ſchedule of the tolls to be granted to the perſons building, and their heirs and aſſigns for ever.

Grand jury ſhall, deliberate thereon, approve or reject, or reduce the tolls as agreed,

if agreed on, grand jury may preſent, judge of aſſize confirm.

Schedule annexed to preſentment of tolls granted to the builders for ever.

IX. *ſect.* 4. It ſhall be lawful for any freeholder and every occupier of lands, through which approaches to ſaid bridge are carried, and for any freeholder or freeman of every county of a city or town, in which ſuch preſentment made, and every other intereſted or to be affected, if any think themſelves injured or aggrieved by ſuch bridge, or ſuch approaches, or by the tolls aſcertained, to traverſe ſuch preſentment at the aſſizes on which made, in manner and under the recognizances now uſed in entering traverſes to preſentments; and ſuch traverſes ſhall be tried before one of the judges at ſaid aſſizes, or if in county of Dublin before the judges of King's Bench at the preſenting term, by verdict of a petty jury, or at next aſſizes for ſaid county, or county of a city or town; and if confirmed by the verdict, or ſuch traverſe not tried on either of ſaid aſſizes or terms, ſuch preſentment ſhall be fully confirmed and eſtabliſhed; and the jury, who tries ſuch traverſe, ſhall have full power to enquire into any loſs or injury any may receive on erecting ſuch bridge, or making approaches, and

Such preſentment traverſable as uſual, and tried at aſſizes, &c.

if confirmed by verdict, or traverſe not tried at the aſſizes or terms, fully eſtabliſhed,

compenſation for loſs or injury aſcertained by the jury

to

who try, paid to the party.

to ascertain what may be a proper compensation, which sum shall be paid to the persons who are to suffer.

No presentment for bridge, expence whereof not 500l. nor till affidavit at assizes or sessions by architect, or one employed under him, or person at whose expence built, that the bridge is safe and easy for cattle and carriages, the expence 500l. at least, specifying the sum, affidavit deposited with clerk of crown or peace.

X. *sect.* 5. No presentment shall be made in pursuance of this act for any bridge, the expence of which shall not at least amount to five hundred pounds sterling; and no tolls shall be taken for passing any such bridge, until affidavit sworn before one of the judges of assize, or before justices at a general quarter sessions, by the architect or person employed under him in keeping account of expences of building, or by the person at whose expence so built; in which affidavit shall be sworn, that such bridge is so far finished and compleated as to admit the safe and easy passage of cattle and carriages, and that the expence of building hath amounted to five hundred pounds at least, specifying the particular sum according to knowledge and opinion of the person or persons making said affidavit, to which said expences have amounted; and until such affidavit be deposited with clerk of crown, if sworn at assizes, or of the peace if at sessions, of such county, or county of a city or town in which such bridge built.

No toll exceeding the sums herein shall be presented, the toll.

XI. *sect.* 6. In no case shall any tolls be presented in pursuance of this act, which shall exceed the following sums respectively; for every coach, berlin, chariot, calash, chaise, or chair drawn by six horses, geldings, mares or mules, one shilling and six pence; drawn by any lesser number, or more than two, one shilling; drawn by two, six pence; for every chaise or chair, drawn by one, three pence; every waggon, wain, or car with four wheels, two shillings, with two wheels, drawn by more than two, one shilling; with two wheels, drawn by two, six pence; for every car, or carriage, drawn but by one, two pence; for every horse, gelding, mare, mule, or ass, laden or unladen, and not drawing, one penny halfpenny; every drove of oxen, cows, or neat cattle, one shilling and eight pence *per* score, and so in proportion; of calves, hogs, sheep, or lambs, five pence *per* score, and so in proportion; and for every man, woman, or child, one halfpenny.

Toll-house and gate erected on such bridge, on forcing passage, summoned to appear in 10 days before one of next residing justices for the county, or, if on the bounds, of either, determined summarily on oath, if proved, and service adjudged, to pay not above 10s. with costs and charges, if complaint groundless, 10s. to the party, if in either case not paid immediately, levied by warrant of distress,

XII. *sect.* 7. On some part of such bridge, built in pursuance of this act, a toll-house and gate shall be erected by persons building, who shall at such gate be intitled to receive such tolls as agreed on, presented and confirmed as aforesaid, not exceeding the toll herein, before the passage of person, cattle, or carriage: and any person forcing a passage, and not paying the regulated toll, may for such offence be summoned personally, or by an order left at usual habitation with some person residing therein of age of sixteen years and upwards, at instance of owners of said tolls, or persons appointed to receive, ten days before appearance required, to appear before one of the next residing justices for the county in which such bridge shall lie, or if on the bounds of two counties before one for either, who hall hear and determine the merits in a summary way by oath of one or more credible witnesses, and shall in case of proof of such outrage and forcible passage (whether the party complained against appear or not) if service of summons duly proved, adjudge the persons guilty to pay persons intitled to receive toll, or the persons impowered to collect, any sum not exceeding ten shillings with necessary costs and charges; and in case such complaint appear groundless, such justice shall adjudge to the persons unjustly complained against any sum not exceeding ten shillings, to be paid by persons preferring unjust complaint; and in either case the sum so adjudged, if not paid immediately, shall be levied by warrant of distress, under hand and seal of such

such juſtice, on goods and chattles of the perſons ſo adjudged to pay, and goods ſo diſtrained ſhall after three days from diſtraining and within ten be publickly ſold by the perſon to whom ſaid warrant granted; and out of the produce the ſum adjudged ſhall be paid to perſons intitled to receive, and overplus, after deducting ſaid ſum and neceſſary coſts and charges, ſhall be paid to the owner.

and publick ſale after 3 and within 10 days, overplus, deducting the ſum and charges to owner.

XIII. *ſect.* 8. On convenient place on every ſuch bridge, and near the toll-gate, there ſhall be affixed a board or ſtone, on which ſhall be diſtinctly painted or carved in large letters a copy of the entire preſentment and ſchedule of tolls affixed, under penalty of twenty ſhillings, levied on ſuch gate-keeper upon complaint in manner afore-mentioned of ſuch neglect.

Copy of preſentment and ſchedule of tolls in large letters on a board or ſtone near the gate, penalty 20s. on gate keeper.

XIV. *ſect.* 9. On paſſing ſuch toll-gate a proper ticket ſhall be delivered, and if any having paid the toll or duty, and received ſuch ticket, ſhall give or diſpoſe of the ſame to elude juſt payment of ſaid toll, every perſon ſo giving and receiving, and convicted upon oath of one or more credible witneſſes before ſuch juſtice, ſhall forfeit ten ſhillings, to be recovered, levied, and diſpoſed of as any other forfeitures by this act; provided that no perſon be obliged to pay more than once in each day for paſſing ſuch bridge.

Tickets delivered on paſſing, giver and receiver of ticket to elude toll, forfeit 10s. payment but once a day.

XV. *ſect.* 10. No bridge ſhall be erected in purſuance of this act on any river or water within one mile of eſtabliſhed and lawful ferry without conſent of owners, under hand and ſeal, and recited ſpecially in the preſentment.

No bridge within 1 mile of a ferry without conſent under hand and ſeal recited in preſentment.

XVI. *ſect.* 11. If ſuch bridge extend into more than one county, it ſhall be neceſſary to obtain ſuch preſentment and to make ſuch affidavit in each of ſuch counties, before any toll levied in purſuance of this act.

If ſuch bridge in different counties, ſuch preſentment and affidavit in each.

XVII. *ſect.* 12. After forty one years from compleating and opening any bridge in purſuance of this act it ſhall be lawful for grand jury of the county or counties to redeem the tolls ſo preſented, by paying in one ſum to the perſons then owners the original ſum expended with any deficiency of intereſt, in caſe by perception of tolls the perſons intitled ſhall not have received above all neceſſary coſts and charges of repair, and receipt of tolls, the legal intereſt at leaſt for the money at firſt expended in building ſuch bridge; and on ſuch payment ſaid toll ſhall ceaſe, and the paſſage of ſuch bridge ſhall be open and free to all.

After 41 years grand juries may redeem ſuch toll by paying in one ſum the original expence, with any deficiency of intereſt, and the paſſage free.

XVIII. *ſect.* 13. Said grand jury impowered to raiſe by preſentment on ſuch county or counties at large, if they think it of advantage to the county, ſuch ſums as may be ſufficient to diſcharge ſuch ſum ſo expended, with intereſt thereof to the perſons who have erected bridges, ſubject to ſuch traverſes as aforeſaid.

And may preſent on county at large ſuch ſum expended with intereſt, ſubject to traverſe.

XIX. *ſect.* 14. Tenants for life in ſaid lands, on which ſuch bridges erected, ſhall have full power to give conſent to erect, or make approaches, under and ſubject to the compenſations, conditions, and proviſoes in this act, and ſuch conſent ſhall be binding and concluſive upon all intitled in remainder or reverſion.

Tenants for life may conſent to erecting bridges or making approaches, under compenſation and conditions herein; binding on remainder or reverſion.

XX. *ſect.* 15. Any ſuit for any thing done in purſuance ſhall be brought in the county, in which ſuch bridge erected, or if more than one in either of ſuch counties, and not elſewhere; and defendants may plead the general iſſue, and give this act and ſpecial matter in evidence, and that the ſame was done by authority of this act; and if it appear ſo, or ſuch action brought in any other county, the jury ſhall find for defendants; and upon ſuch verdict, or if

Suits for acting laid in the county where bridge erected, general iſſue pleaded, and this act and ſpecial matter in evidence,

and treble coſts to defendants on verdict, non-ſuit, &c.

if plaintiffs non-ſuited, or diſcontinue after defendants appeared, or if judgment given againſt plaintiffs, defendants ſhall recover treble coſts, and have like remedy as by law allowed to defendants in any caſe.

Buildings.

Delivering falſe meaſure, &c.

I. *Stat.* 3 *Geo.* 2. *cap.* 14. *ſect.* 17. If any carter, carman, loader, or perſons concerned, ſhall deliver falſe or unuſual meaſure, weight or quantity in bricks, lime, ſtone, or ſand, (which uſual weight, meaſure and quantity is declared to be in brick, one hundred and twenty five to the car-load in ſlack lime ſixty four gallons to the hogſhead, and in ſtones five hundred weight to the car-load) or any other materials neceſſary in building, or ſhall wilfully endeavour to impoſe a falſe account of any ſuch delivery, on the perſons to whom the ſame are to be delivered, every ſuch offender being thereof convicted upon the oath of one credible witneſs, before any juſtice of the peace within their juriſdictions, ſhall, for every ſuch offence, forfeit twenty ſhillings, to be levied by diſtreſs and ſale of the offender's goods, and for want of diſtreſs ſhall be committed to the houſe of correction, there to be kept to hard labour for any time not exceeding three months.

penalty.

Timber in walls.

II. *ſect.* 18. If any workman ſhall lay, or cauſe to be laid any piece of timber in any party, front or back-wall of any houſe within the city of Dublin, or within any other city or town, in ſuch a manner that it ſhall appear through the ſame, or ſhall lay it within four inches of the out-ſide of the ſaid wall, or ſhall build or repair from the foundation any brick or ſtone walls upon timber, ſo that the ſame ſhall bear or depend thereon, except what timber ſhall be neceſſary in ſecuring foundation, or for making ſhop-windows and doors, ſuch perſons ſo offending, being thereof convicted upon the oath of one credible witneſs, before two juſtices of the peace within their reſpective juriſdictions, ſhall for every ſuch offence forfeit five pounds, one half thereof to be given to the informer, and the other half to the poor of the pariſh, the ſame to be levied by diſtreſs and ſale of the offenders goods, and for want of ſufficient diſtreſs, ſhall be committed to the common gaol of the place where ſuch offence ſhall be committed, there to remain without bail or mainprize for the ſpace of three months, or till ſuch time as the ſaid ſum of five pounds ſhall be paid.

forfeiture.

Bulls.

Taking bull from owner or driver in Dublin or avenues thereto, aiders and abettors, committed 3 months.

I. *Stat.* 19 & 20 *Geo.* 3. *cap.* 36. *ſect.* 19. If butcher, journeyman-butcher, penny boy, or other forcibly, wilfully, wantonly, or maliciouſly take any bull, either in or coming to the market of Smithfield, or other place in ſaid city, or in any of the roads, avenues, or lanes leading thereto, within county of ſaid city, from any owner, driver or other, having ſuch bull under care or protection, ſuch perſons, their aiders and abettors, knowing of and privy to the ſame, ſhall be, on being convicted before the lord mayor, or other magiſtrate, by oath of one or more witneſſes, committed to houſe of correction, to hard labour three months.

Burials.

I. *Stat.* 9 *Will.* 3. *cap.* 26. *ſect.* 6. No perſon ſhall bury any dead in any ſuppreſſed monaſtery, abbey or convent not made uſe of for divine ſervice, according to the liturgy of the church of Ireland by law eſtabliſhed, or within the precincts thereof, upon pain of forfeiting ten pounds, which ſum ſhall be recovered from any perſon preſent at ſuch burial, and offending contrary to this act, which forfeitures juſtices of the peace in their counties are authorized to hear and determine; one moiety of which forfeiture ſhall be by ſuch juſtice given unto the informer, and the other moiety to the miniſter and church wardens of the pariſh where ſuch offences ſhall be committed, for the uſe of the pariſh. — In monaſteries or abbies.

II. *ſect.* 7. Provided, that if any perſon ſhall think themſelves aggrieved by the judgment of ſuch two juſtices of the peace, they may appeal to the next judges of aſſize, or to the juſtices of peace at the next general quarter ſeſſions, who are impowered to examine the matter and give relief therein. — Appeal to aſſizes.

III. *Stat.* 7 *Geo.* 2. *cap.* 13. *ſect.* 1. No corps ſhall be buried in any ſhirt, ſhift, ſheet, or ſhroud, or any thing made or mingled with flax, hemp, ſilk, hair, gold or ſilver, or in any ſtuff or other thing than what is made of ſheep or lambs wool only, or be put into any coffin lined or faced with any ſort of cloth or ſtuff, or any other thing that is made of any materials but ſheep or lambs wool only, upon pain of the forfeiture of five pounds, to be recovered againſt the executors or adminiſtrators of the party deceaſed out of his or her perſonal aſſets, in a ſummary way by civil bill before the judges of aſſize, and in the county of Dublin, and county of the city of Dublin, before the juſtices at their reſpective quarter ſeſſions, under ſuch regulations, with the like benefit of appeal, as by an act [2 *Geo.* *cap.* 11. for reviving and amending an act, *for recovery of ſmall debts in a ſummary way, before the judges of aſſize*] are appointed. — Shrouds to be of wool.

IV. *ſect.* 2. Provided that ſuch ſuit be commenced within nine calendar months after the offence be committed. — Suit in nine months.

V. *ſect.* 3. The judges at their reſpective aſſizes and juſtices at their reſpective quarter ſeſſions ſhall give this act in charge. (*Eng. Stat.* 30 *Car.* 2. *Stat.* 1 *cap.* 3.) — To be given in charge.

VI. *Stat.* 11 & 12 *Geo.* 3. *cap.* 22. *ſect.* 1. No perſon ſhall bury any dead body, or break up any floor, ground, or pavement, within the walls of any church or chapel, or chancel, ayle, room, or place thereunto belonging, under the ſame roof with ſuch church or chapel, or within twelve feet on the outſide of the walls of any church or chapel, for the burying any dead body; and no eccleſiaſtical perſon ſhall perform that part of the burial ſervice, appointed to be ſaid at the grave of any dead perſon, within the walls of any church or chapel, chancel, ayle, room, or place thereunto belonging, or within twelve feet on the outſide of the walls of any church or chapel; and every perſon, who ſhall offend herein, ſhall forfeit for every ſuch offence ten pounds, recovered by civil bill by the church wardens, or either of them, or by any pariſhioner of the pariſh wherein ſuch offence committed; to be accounted for at the next veſtry after the ſame ſhall be received, and laid out in repairs of ſuch church or chapel. — No burial, or breaking ground for it within church or chapel, or under ſame roof, or 12 feet outſide the walls, nor the ſervice performed, penalty 10l. by civil bill, by a church warden or pariſhioner, laid out in repairs.

VII. *ſect.* 2. Nothing herein ſhall extend to prevent the burying in any arched vault under any church, chapel, chancel, or ayle, room or place thereunto — Vaults under churches, the only door on outſide, excepted.

thereunto belonging, where the only door to such vault opens on the outside of the walls of such church, or chapel, chancel, ayle, room, or place.

Read in churches 4 times a year.

VIII. *sect.* 3. This act shall be read in every cathedral and parish church in this kingdom after morning prayer on every first Sunday in May, August, November, and February, in every year.

Burning Houses, &c.

High treason.

I. *Stat.* 13 *Hen.* 8. *cap.* 1. All wilful burning of ricks of corn in the fields, and in towns, and burning of houses of any of the King's subjects, shall be high treason, and like process, judgment, and execution shall be awarded, as against any that do commit treason in any other manner, saving to the chief lords of the soils their escheats.

Setting fire.

II. *Stat.* 29 *Geo.* 2. *cap.* 12. *sect.* 3. If any person shall wilfully or maliciously set fire to any house, out-houses, barn or stable; or to any hay-yard, stack, or rick of corn, straw, hay or turf; or to any ship or boat, although the same be not burned; or shall be procuring, aiding or assisting in any of the said offences; every person so offending, being lawfully convicted, shall be adjudged guilty of felony without benefit of clergy.

Exception.

III. *sect.* 4. Provided, that nothing herein contained shall extend to any persons who shall burn the turf which shall be cut on his landlord's turbary, without leave first obtained for cutting the same.

Satisfaction.

IV. *sect.* 5. The inhabitants of every barony, as well protestants as papists, shall make full satisfaction to every person, their executors and administrators, for the damage which they shall have sustained by setting fire to any house, out-houses, barn, stable, hay-yard, stack or rick of corn, hay, straw, or turf, or to any ship or boat, which shall be committed in that barony.

Suit for damages.

(2) And every person who shall sustain damages by any of the felonies aforesaid, is hereby enabled to sue for, and recover such their damages, the sum to be recovered, not exceeding fifty pounds, against any one or more of the inhabitants of the said barony, who shall be made liable to answer all or any part thereof.

Execution.

(3) And if such persons shall recover and obtain execution against any such inhabitants, all other the inhabitants of the barony, who by this act shall be liable to the said damages, shall be rateably taxed, towards an equal contribution for the relief of such inhabitants, against whom such execution shall be levied; which tax shall be made and raised in manner as has been heretofore used for the levying and raising money.

Notice in two days.

V. *sect.* 6. Provided, that no person shall be enabled to recover any damages by virtue of this act, unless they, by themselves or by their servants, within two days after such damages done them, shall give notice of such felony committed unto some of the inhabitants of some town, village, or hamlet in the barony near unto the place where any such fact shall be committed.

Examination of servants.

(2) And shall within four days after such notice, give notice to the high constable of the said barony, of the said offence, and shall also give in their examination upon oath, or the examination upon oath of their servant or servants that had the care of their house, out-houses, corn, hay, straw, turf,

ship

ſhip, or boat, before ſome juſtice of the peace of the county where ſuch fact ſhall be committed, inhabiting within the barony where the ſaid fact ſhall happen to be committed, or near unto the ſame, whether they do know the perſons who committed the ſaid fact, or any of them; and in ſuch caſe, ſuch examinants ſhall be bound by recognizance to proſecute ſuch offenders.

Apprehending the felon.

VI. *ſect.* 7. Provided alſo that when any felony ſhall be committed againſt this act, and any one of the offenders ſhall be apprehended and convicted of ſuch felony at the next aſſizes, to be held for the county where ſuch felony was committed, no barony nor any inhabitant thereof, ſhall be ſubject to make any ſatisfaction for the damages ſuſtained.

Diſcovery and proſecution.

VII. *ſect.* 8. Any perſon who ſhall diſcover and proſecute to conviction any ſuch felon, ſhall be intitled to a reward of ten pounds, to be recovered as aforeſaid, againſt the inhabitants of the barony in which ſuch felony ſhall be committed; and if ſuch diſcoverer and proſecutor be a party concerned in ſuch felony, he ſhall not only be intitled to the ſaid reward of ten pounds, but be intitled to his pardon for any felony before that time, by him or her committed againſt this act.

Made perpetual.

VIII. *Stat.* 1 *Geo.* 3. *cap.* 17. *ſect.* 18. An act paſſed in the twenty-ninth year of his late Majeſty, *to prevent unlawful combinations*, &c. *and the malicious ſetting fire to houſes*, &c. is made perpetual.

Doubts on 7 Wil. 3. c. 21. and 9 Wil. c. 9.

IX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 37. *ſect.* 1. Whereas the deteſtable practices of killing, houghing, cutting, and maiming cattle, and maliciouſly burning houſes, barns, haggards, buildings, corn, and articles of huſbandry, have of late much prevailed; and doubt conceived with reſpect to conſtruction of an act ſeventh William the third, and an act ninth William the third: After firſt Auguſt, one thouſand ſeven hundred and eighty, the inhabitants of every barony or county, or, in caſes of uncertainty as to place, of both contiguous baronies or counties, ſhall make full ſatisfaction for all malicious burning houſes, barns, haggards, corn, or other articles or effects, by any perſons whatſoever, to parties injured, on the terms and conditions in ſaid act ſeventh William the third, and ninth William the third; the ſame to be paid indiſcriminately by proteſtants, papiſts, and all inhabitants of ſuch county and barony, in proportion to reſpective properties, ſaid ſtatutes of ſeventh or ninth William the third, or other law or ſtatute to contrary notwithſtanding.

from 1 Aug. 1780, inhabitants of every barony and county, or if the place uncertain, of both contiguous, ſhall fully ſatisfy for malicious burning by any, on the terms in ſaid acts,

paid by proteſtants, papiſts, and all inhabitants, in proportion to properties.

X. *ſect.* 2. Where the damages ſhall not exceed one hundred pounds, inhabitants of the barony, or in caſes of uncertainty of contiguous baronies, wherein ſaid facts committed, and not of the counties at large, ſhall make ſatisfaction; but where the damages exceed one hundred pounds, only the inhabitants of the county, or, in caſes of uncertain ſituations, of contiguous counties at large ſhall make ſatisfaction, ſaid ſtatutes of ſeventh or ninth William the third, or any other law, ſtatute, or uſage to the contrary notwithſtanding.

Where damages exceed not 100l. ſatisfaction by the barony, or by contiguous baronies on uncertainty; where above 100l. by the county only, or by contiguous counties on uncertainty.

XI. *ſect.* 3. Every perſon ſo damnified may ſue for and recover damages under ſaid acts of ſeventh and ninth William the third (with the differences herein before) upon ſuch notice and examinations as in ſaid acts within ſix days after ſuch injury, ſaid ſtatutes or any law, ſtatute, or uſage to contrary notwithſtanding.

On notice and examinations as in ſaid acts in 6 days after injury, damages recovered, with the differences herein before.

thereunto belonging, where the only door to such vault opens on the outside of the walls of such church, or chapel, chancel, ayle, room, or place.

Read in churches 4 times a year.

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Setting fire.

II. *Stat.* 29 *Geo.* 2. *cap.* 12. *sect.* 3. If any person shall wilfully or maliciously set fire to any house, out-houses, barn or stable; or to any hay-yard, stack, or rick of corn, straw, hay or turf, or to any ship or boat, although the same be not burned; or shall be procuring, aiding or assisting in any of the said offences; every person so offending, being lawfully convicted, shall be adjudged guilty of felony without benefit of clergy.

Exception.

III. *sect.* 4. Provided, that nothing herein contained shall extend to any persons who shall burn the turf which shall be cut on his landlord's turbary, without leave first obtained for cutting the same.

Satisfaction.

IV. *sect.* 5. The inhabitants of every barony, as well protestants as papists, shall make full satisfaction to every person, their executors and administrators, for the damage which they shall have sustained by setting fire to any house, out-houses, barn, stable, hay-yard, stack or rick of corn, hay, straw, or turf, or to any ship or boat, which shall be committed in that barony.

Suit for damages.

(2) And every person who shall sustain damages by any of the felonies aforesaid, is hereby enabled to sue for, and recover such their damages, the sum to be recovered, not exceeding fifty pounds, against any one or more of the inhabitants of the said barony, who shall be made liable to answer all or any part thereof.

Execution.

(3) And if such persons shall recover and obtain execution against any such inhabitants, all other the inhabitants of the barony, who by this act shall be liable to the said damages, shall be rateably taxed, towards an equal contribution for the relief of such inhabitants, against whom such execution shall be levied, which tax shall be made and raised in manner as has been heretofore used for the levying and raising money.

Notice in two days.

V. *sect.* 6. Provided, that no person shall be enabled to recover any damages by virtue of this act, unless they, by themselves or by their servants, within two days after such damages done them, shall give notice of such felony committed unto some of the inhabitants of some town, village, or hamlet in the barony near unto the place where any such fact shall be committed.

Examination of servants.

(2) And shall within four days after such notice, give notice to the high constable of the said barony, of the said offence, and shall also give in their examination upon oath, or the examination upon oath of their servant or servants that had the care of their house, out-houses, corn, hay, straw, turf,

ship

ſhip, or boat, before ſome juſtice of the peace of the county where ſuch fact ſhall be committed, inhabiting within the barony where the ſaid fact ſhall happen to be committed, or near unto the ſame, whether they do know the perſons who committed the ſaid fact, or any of them; and in ſuch caſe, ſuch examinants ſhall be bound by recognizance to proſecute ſuch offenders.

Apprehending the felons.

VI. *ſect.* 7. Provided alſo that when any felony ſhall be committed againſt this act, and any one of the offenders ſhall be apprehended and convicted of ſuch felony at the next aſſizes, to be held for the county where ſuch felony was committed, no barony nor any inhabitant thereof, ſhall be ſubject to make any ſatisfaction for the damages ſuſtained.

Diſcovery and proſecution.

VII. *ſect.* 8. Any perſon who ſhall diſcover and proſecute to conviction any ſuch felon, ſhall be intitled to a reward of ten pounds, to be recovered as aforeſaid, againſt the inhabitants of the barony in which ſuch felony ſhall be committed; and if ſuch diſcoverer and proſecutor be a party concerned in ſuch felony, he ſhall not only be intitled to the ſaid reward of ten pounds, but be intitled to his pardon for any felony before that time, by him or her committed againſt this act.

Made perpetual.

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Doubts on 7 Wil. 3. c. 21. and 9 Wil. c. 9. from 1 Aug. 1780, inhabitants of every barony and county, or if the place uncertain, of both contiguous, ſhall fully ſatisfy for malicious burning by any, on the terms in ſaid acts,

paid by proteſtants, papiſts, and all inhabitants, in proportion to properties.

IX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 37. *ſect.* 1. Whereas the deteſtable practices of killing, houghing, cutting, and maiming cattle, and maliciouſly burning houſes, barns, haggards, buildings, corn, and articles of huſbandry, have of late much prevailed; and doubt conceived with reſpect to conſtruction of an act ſeventh William the third, and an act ninth William the third: After firſt Auguſt, one thouſand ſeven hundred and eighty, the inhabitants of every barony or county, or, in caſes of uncertainty as to place, of both contiguous baronies or counties, ſhall make full ſatisfaction for all malicious burning houſes, barns, haggards, corn, or other articles or effects, by any perſons whatſoever, to parties injured, on the terms and conditions in ſaid act ſeventh William the third, and ninth William the third; the ſame to be paid indiſcriminately by proteſtants, papiſts, and all inhabitants of ſuch county and barony, in proportion to reſpective properties, ſaid ſtatutes of ſeventh or ninth William the third, or other law or ſtatute to contrary notwithſtanding.

Where damages exceed not 100l. ſatisfaction by the barony, or by contiguous baronies on uncertainty;

where above 100l. by the county only, or by contiguous counties on uncertainty.

X. *ſect.* 2. Where the damages ſhall not exceed one hundred pounds, inhabitants of the barony, or in caſes of uncertainty of contiguous baronies, wherein ſaid facts committed, and not of the counties at large, ſhall make ſatisfaction; but where the damages exceed one hundred pounds, only the inhabitants of the county, or, in caſes of uncertain ſituations, of contiguous counties at large ſhall make ſatisfaction, ſaid ſtatutes of ſeventh or ninth William the third, or any other law, ſtatute, or uſage to the contrary notwithſtanding.

On notice and examinations as in ſaid acts in 6 days after injury, damages recovered, with the differences herein before.

XI. *ſect.* 3. Every perſon ſo damnified may ſue for and recover damages under ſaid acts of ſeventh and ninth William the third (with the differences herein before) upon ſuch notice and examinations as in ſaid acts within ſix days after ſuch injury, ſaid ſtatutes or any law, ſtatute, or uſage to contrary notwithſtanding.

Burning Houſes.

On traverſe of preſentment for damages, the judge may award coſts, not exceeding 12l. and orders in nature of execution againſt goods and chattles, executed by ſheriff as in ordinary caſes.

XII. *ſect.* 4. In caſe of traverſe of preſentment for damage under ſaid acts ſeventh or ninth of William the third, or this act, it ſhall be lawful for the judge, who ſhall try ſuch traverſe, to award coſts to parties, for whom ſuch iſſue found, againſt the other parties in ſuch traverſe in any ſum, not exceeding twelve pounds, and to award and direct to iſſue forthwith orders in nature of execution againſt goods and chattles of ſuch parties reſpectively; which orders the ſheriff of ſuch county is required to execute in ſame manner, and under like reſtrictions and penalties of executions in ordinary caſes againſt chattles and effects of defendants; any thing in ſaid ſtatutes ſeventh or ninth William the third, or other law or uſage to contrary notwithſtanding.

Conſtable or other by warrant of one juſtice on information on oath may ſearch ſuſpected places for lambs ſuppoſed ſtolen, if found, ſuſpected perſon brought before ſuch juſtice, not proving fairly come by, and convicted on oath, ſhall forfeit not above 40s. with charges aſcertained by ſuch juſtices, on non-payment committed not above 6 months, to informer and pariſh poor.

XIII. *ſect.* 5. Whereas ſtealing lambs hath from difficulty of conviction much encreaſed; it ſhall be lawful for any conſtable or other perſon, by warrant under hand and ſeal of any juſtice founded upon information upon oath to ſearch in all ſuſpected houſes and places within juriſdiction of ſuch juſtice, for any lamb or lambs ſtolen or ſuppoſed to be; and if ſuch conſtable or perſon find any in poſſeſſion, houſe, out houſe, field or ground, of perſon ſuſpected guilty of ſtealing, or receiving, being ſtolen, he ſhall bring ſuch ſuſpected perſons before ſuch juſtice; and if ſuch perſons ſhall not make full and clear proof to ſatisfaction of ſuch juſtice, that ſuch lambs were fairly and honeſtly bought, or otherwiſe come by, or given by owner or proprietor, in default thereof, and being convicted upon oath of one credible witneſs before ſuch juſtice, ſuch perſons ſhall forfeit and pay ſuch ſum, not exceeding forty ſhillings, as to ſuch juſtice ſhall ſeem reaſonable, with charges previous to and attending conviction, aſcertained by ſuch juſtice; and upon non-payment, ſhall commit to the common gaol or houſe of correction of ſuch county by warrant, without bail or mainprize, not exceeding ſix months, or until ſaid penalty and charges paid, one moiety to informer, the other to the poor of the pariſh under diſtribution of ſaid juſtice; any thing herein to contrary notwithſtanding.

Burning Land.

Penalty of 40s. an acre.

I. *Stat.* 17 *Geo.* 2. *cap.* 10. *ſect.* 1. No perſons who are or ſhall be in the poſſeſſion of land by virtue of any leaſe, contract, or demiſe, nor any perſons deriving under them, ſhall burn the ſoil or ſurface of the earth, in or upon any part of ſuch lands, and if any occupier of land demiſed, or agreed to be demiſed to any perſons, ſhall burn the ſoil or ſurface of the earth, or cauſe or permit the ſame to be burnt in any part of ſuch land in their poſſeſſion, or in the occupation of any perſon deriving under them, every perſon ſo offending ſhall forfeit forty ſhillings for every Engliſh ſtatute-acre ſo burnt, to be recovered by the perſons, and in manner hereafter mentioned, that is to ſay,

Firſt leſſees.

(2) If the ſoil or ſurface of any land ſhall be burnt or permitted to be burnt, by the firſt leſſees of ſuch land, their heirs, executors, adminiſtrators, or aſſigns, then the ſaid penalty ſhall be recovered of ſuch offenders by their leſſors, their heirs, ſucceſſors, and aſſigns reſpectively, or by the perſons who for the time being ſhall be intitled to the rent, or reverſion, or remainder of the premiſſes; and if the ſoil or ſurface of any land ſhall be burnt, or permitted to be burnt, by the occupier of ſuch land holding the ſame by leaſe or contract, from the firſt leſſees of ſuch land, their heirs, executors,

cutors, adminiſtrators, or aſſigns, or from any perſons deriving under them, or either of them, the ſaid penalty ſhall be recovered from ſuch offenders by their immediate leſſors, their heirs, executors, adminiſtrators or aſſigns.

Leſſors conſenting.

(3) Unleſs ſuch immediate leſſors ſhall have conſented to ſuch burning, in which caſe the ſaid penalty ſhall be recovered by the next immediate leſſors who ſhall not have conſented to ſuch burning, it being the intent of this act, that neither the original leſſors, nor any intermediate leſſors, their heirs, ſucceſſors, executors, adminiſtrators, or aſſigns, conſenting to ſuch burning, ſhall be intitled to, or recover the ſaid penalty.

Civil bill.

II. *ſect.* 2. The ſaid penalty ſhall be recovered by civil bill before the juſtices of aſſize for the county where ſuch offender uſually reſides, or at the quarter ſeſſions to be held for the county of Dublin, if ſuch offender uſually reſides there, although the ſaid penalty ſhould exceed the ſums for which a ſuit by civil bill may be now commenced.

Firſt aſſizes or ſeſſions.

III. *ſect.* 3. Provided that ſuch ſuit be commenced at the next aſſiſes or quarter ſeſſions as aforeſaid, after ſuch leſſor or the agent employed in receiving the rents of the demiſed premiſſes ſo burnt, ſhall have notice of ſuch burning, except where the notice ſhall be ſo near the time of the next aſſizes or quarter ſeſſions, that a proceſs cannot be ſerved time enough for that purpoſe; and as often as it ſhall ſo happen, then ſuch ſuit ſhall be commenced at the ſecond aſſizes or quarter ſeſſions next immediately after ſuch.

Leſſors neglecting to ſue.

IV. *ſect.* 4. If the immediate leſſors of the perſons burning any land, or permitting the ſame to be burnt, or the heirs, executors, adminiſtrators, or aſſigns of ſuch immediate leſſors, ſhall refuſe or neglect to ſue for the ſaid penalty within the time limited, or ſhall fraudulently ſue for the ſame, with intent to protect the offenders from paying the ſaid penalty, then it ſhall be lawful for the next leſſors of ſuch land ſo burnt, their heirs, executors, adminiſtrators or aſſigns, who ſhall not have conſented to ſuch burning, to ſue for and recover the ſaid penalty at the next aſſizes or quarter ſeſſions after ſuch neglect or default made, in ſuch manner as the perſons ſo neglecting or making default, might have ſued for the ſame by this act.

Diſtreſs for penalties.

V. *ſect.* 5. In all caſes where the tenants or leſſees have covenanted, or ſhall hereafter covenant, not to burn the ſoil or ſurface of the earth, upon any part of the lands to them demiſed, or agreed to be demiſed, under the penalty of an increaſe of rent for every acre ſo burnt, or under any other penalty, it ſhall be lawful for all leſſors or landlords, their heirs, ſucceſſors, or aſſigns, or for the perſons who for the time being ſhall be intitled to the rent and reverſion or remainder of the ſaid demiſed premiſſes which ſhall be ſo burnt, to diſtrain for, or ſue for the recovery of ſuch penalty, in ſuch manner as they may for rent accrued, or any other debt, or to ſue for the ſame by civil bill, although the ſaid advanced rent or penalty ſhould exceed any ſum for which a ſuit by civil bill may be now commenced, at the election of ſuch leſſors, or of the perſons who for the time being ſhall be intitled to the rent and reverſion or remainder of the ſaid demiſed premiſſes.

Entry to ſurvey.

VI. *ſect.* 6. In order to aſcertain the quantity of ground burnt contrary to the intent of this act, and to enable the perſons intitled by this act, or by covenant in any leaſe, the eaſier to recover the penalties herein mentioned, it ſhall be lawful for the perſons intitled to the penalty in this act, or by covenant in any leaſe, or any other perſons employed by them, to enter upon ſuch land ſo burnt, and to ſurvey the ſame; and if any perſon ſhall hinder the perſons intitled as aforeſaid, or thoſe employed by them, from taking ſuch

ſurvey,

ſurvey, they ſhall forfeit to the perſons intitled to the penalties in this act, or by covenant as aforeſaid, twenty pounds; to be recovered by civil bill in the ſame manner, and with the like appeal as the other penalties herein contained.

Appeal in civil bills.

VII. *ſect.* 7. When any ſuit ſhall be brought by civil bill for recovering any the ſaid penalties, the parties who ſhall think themſelves aggrieved by the decree of the juſtices of aſſize, or quarter ſeſſions in the county of Dublin, may have like remedy of appeal to the next aſſizes or ſeſſions, as is uſual in civil bills.

Made perpetual.

VIII. *Stat.* 1 *Geo.* 3. *cap.* 17. *ſect.* 2. Such part of the act, made in the ſeventeenth year of the reign of his late Majeſty King George the ſecond (*cap.* 10.) as relates to the burning of land, with the following amendments thereto, ſhall be made perpetual.

Original leſſors.

IX. *ſect.* 3. In all caſes, whether the ſoil or ſurface ſhall be burned or permitted to be burned by the original leſſees, or by the occupiers of land, and where the original leſſor is not conſenting to ſuch burning, the original leſſor ſhall be intitled to recover the penalty given by the ſaid act from his immediate leſſees, who ſhall be anſwerable for the acts of their under tenants, and of the occupiers of ſuch land.

Next aſſizes or ſeſſions.

X. *ſect.* 4. Provided ſuch original leſſors ſhall commence their ſuit for the recovery of the penalty, at ſuch next aſſizes or quarter ſeſſions, as in the ſaid act is expreſſed, and ſuch immediate leſſee ſhall have the like remedy over againſt his under tenants, or the occupiers of ſuch land ſo offending, and may recover againſt them, or any of them ſo offending.

Immediate leſſors.

XI. *ſect.* 5. Provided that ſuch ſuit be commenced at the next aſſizes or quarter ſeſſions after ſuch original leſſor ſhall have ſo obtained a decree againſt ſuch his immediate leſſees: and in caſe the original leſſor ſhall not ſue for the ſaid penalty at the next aſſizes or quarter ſeſſions, as mentioned in the ſaid act, then it ſhall be lawful for the immediate leſſors of the occupiers of the land, who ſhall burn, or permit to be burned, the ſoil or ſurface of any land, to ſue for, and recover from ſuch occupiers the ſaid penalty.

Suit at the ſecond aſſizes.

XII. *ſect.* 6. Provided ſuch ſuit be commenced at the ſecond aſſizes or quarter ſeſſions, after the ſaid land ſhall be ſo burned, and that the ſaid aſſizes or quarter ſeſſions ſhall not be ſo near, that a proceſs cannot be ſerved time enough for that purpoſe; and in ſuch caſes the ſuit ſhall be commenced at the next immediate aſſizes or ſeſſions following.

Ridges or paths.

XIII. *ſect.* 7. All ridges or paths left unburned or intermixed with the parts burned, ſhall be ſurveyed in one common ſurvey with the other parts that ſhall be burned, and they ſhall be deemed as part of the land burned, ſo far as to ſubject the perſons offending, to the penalty in the ſaid act mentioned, equally as if no ſuch ridges or paths had been left unburned.

Land under an acre.

XIV. *ſect.* 8. Whereas a doubt hath ariſen, whether the penalty for burning the ſoil or ſurface as aforeſaid, was recoverable under the ſaid act, where the quantity of the ſoil or ſurface burned was not a full *Engliſh* ſtatute acre: the penalty on the perſons ſo offending, ſhall be proportioned to the quantity burnt, though it be under one *Engliſh* ſtatute acre.

Recital of the act 17 Geo. 2. cap. 10.

recital of the act 1 G. 3. c. 17.

XV. *Stat* 3 *Geo.* 3. *cap.* 29. *ſect.* 1. *Whereas by an act paſſed in the ſeventeenth year of the reign of his late Majeſty King* George *the ſecond, to prevent the pernicious practice of burning land, as to ſuch part thereof as relates to the burning of land,*

land, was, by an act paſſed the laſt ſeſſion of parliament, with ſeveral amendments, made perpetual; and whereas by the ſaid laſt recited act, the original leſſors, where the ſoil or ſurface has been burned or permitted to be burned by the occupiers of the land, and not by the original leſſees, have found great difficulties in ſuing for and recovering the penalty given by the ſaid act: and whereas the remedy provided by the ſaid act has been found not only difficult to the leſſors, but alſo diſadvantageous and very expenſive to the leſſees, or occupiers ſo burning; for remedy whereof, in all caſes whether the ſoil or ſurface of any land ſhall be burned or permitted to be burned by the original leſſees, or by the occupiers of ſuch land, and where the original leſſor of ſuch land ſhall not have conſented to ſuch burning, in manner as in the ſaid act is mentioned, in ſuch caſe it ſhall be lawful for two or more of his Majeſty's juſtices of the peace, within their reſpective juriſdictions, to hear and determine in a ſummary way, all offences committed againſt the true intent of the ſaid acts, and for that purpoſe, upon information upon oath given before them by the original leſſor, his or her heirs or aſſigns, or one or more credible witneſſes, on their behalf, of the offence of ſuch pernicious burning of land, to ſummon before any two of them, within their juriſdictions, any parties ſo accuſed of being offenders againſt the ſaid acts.

Land burned, or permitted to be burned.

Two juſtices may determine offences.

Information by one witneſs.

Summons to the party accuſed.

XVI. *ſect.* 2. In caſe the parties accuſed ſhall not appear on ſuch ſummons, or offer ſome reaſonable excuſe for their default, then upon the information upon oath as aforeſaid, it ſhall be lawful for the ſaid two juſtices to iſſue their warrants under their hands and ſeals for the apprehending the parties ſo accuſed, within their reſpective juriſdictions, and upon their appearing, or in caſe they ſhall not appear, and cannot be apprehended on a warrant granted againſt them as before is directed, then, upon notice in writing being given to or left for them at their uſual place of abode, and ſuch notice being proved upon oath, in any ſuch caſe, any two ſuch juſtices of the peace, within their reſpective juriſdictions, ſhall proceed to make enquiry touching the matters complained of, and to examine any witneſſes who ſhall be offered on either ſide, on oath, and after hearing of the parties who ſhall appear, and the witneſſes who ſhall be offered on either ſide, ſuch juſtices ſhall convict or acquit the parties accuſed of the penalties in the ſaid recited acts, together with the coſt of ſurveying the land ſo burned.

Upon non-appearance,

warrants to apprehend the parties.

Notice in writing proved on oath,

coſts of ſurvey.

XVII. *ſect.* 3. If the penalties inflicted by the aforeſaid acts, and to be recovered in the ſummary way herein directed, ſhall not be paid within twenty four hours after any ſuch conviction, the ſaid juſtices ſo convicting the ſaid parties, ſhall thereupon iſſue warrants under their hands and ſeals, directed to any peace officer within their reſpective juriſdictions, impowering them to make diſtreſs of the goods or chattles of the offenders.

Non-payment of the penalties,

warrants of diſtreſs.

XVIII. *ſect.* 4. If any offender ſhall convey away his goods out of the juriſdictions of ſuch juſtices, before whom he was convicted, or ſo much thereof, that the penalty cannot be levied, then any chief magiſtrate or juſtice of the peace, within whoſe juriſdiction the offender ſhall have removed his goods, ſhall back the warrant granted by the ſaid juſtices before whom the conviction was ſo had, and thereupon the penalties forfeited, together with the coſt of ſurveying as aforeſaid, ſhall be levied on the ſaid offenders goods by diſtreſs and ſale thereof: and if within five days from the diſtreſs being taken under the ſaid warrant, the money forfeited ſhall not be paid, the goods ſeized ſhall be appraiſed and ſold, rendering the overplus, if any, deducting the penalty, and the charges of the diſtreſs, and ſale, to the owner, which charges ſhall be aſcertained by the ſaid juſtices before whom any ſuch offender ſhall have been ſo convicted,

Offenders conveying away their goods,

backing warrants,

goods ſeized to be appraiſed and ſold.

victed, or by the ſaid chief magiſtrate, or other juſtice who backed the warrant.

For want of diſtreſs,

XIX. *ſect.* 5. For want of ſuch diſtreſs, it ſhall be lawful for the ſaid juſtices before whom the ſaid conviction ſhall be had, and for the other chief magiſtrate or juſtice within whoſe juriſdiction any ſuch offender ſhall reſide or be, on the application of any proſecutor, and proof made of the conviction and non-payment of the ſaid penalty, coſt, and charges, by warrant under their hands and ſeals, to commit every ſuch offender to the common gaol within the city, county, or place where the ſaid offender ſhall be found, there to remain for three months, unleſs from the time of ſuch commitment payment ſhall be made of the ſaid penalty before the expiration thereof.

for three months or until payment.

Form of the conviction.

XX. *ſect.* 6. The ſaid juſtices before whom any ſuch perſon ſhall be convicted in manner preſcribed by this act, ſhall cauſe ſuch conviction to be drawn in the form, and to the effect following: to wit,

Be it remembered, that on this day of in the year of the reign A. B. *is convicted before his Majeſty's juſtice of the peace for the ſaid county of or for* (as the caſe ſhall happen) *for the pernicious burning of land, to wit, the quantity of and we do therefore adjudge him* (or them) *to pay and forfeit for the ſame, the ſum of together with the coſt of for ſurveying the ſame. Given under our hands and ſeals the day and year aforeſaid.*

Appeal to the ſeſſions,

XXI. *ſect.* 7. If any perſons convicted of any ſuch offence puniſhable as aforeſaid, ſhall think themſelves aggrieved by the judgment of ſuch juſtices before whom they ſhall have been convicted, ſuch perſons ſhall have liberty to appeal to the juſtices at the general or quarter ſeſſions of the peace, unleſs the ſaid conviction ſhall be within ten days of the ſaid ſeſſions, and then at the next ſeſſions, or the next following to that, at the option of the party convicted, which ſhall be held for the ſaid county, city or place where ſuch judgments ſhall have been given, and the execution of the judgment ſhall in ſuch caſe be ſuſpended, the perſons ſo convicted entering into a recognizance at the time of ſuch conviction, with two ſufficient ſureties in double the ſum which ſuch perſons ſhall have been adjudged to pay, upon condition to proſecute ſuch appeal with effect, and to be forthcoming to abide the judgment and determination of the juſtices, at their ſaid general or quarter ſeſſions, which recognizance the ſaid juſtices, before whom ſuch conviction ſhall be had, are required to take.

execution to be ſuſpended,

condition of the recognizance.

Appeal to be heard,

XXII. *ſect.* 8. And the juſtices at the ſaid general or quarter ſeſſions, are required to hear and determine the matter of every ſuch appeal, and to award ſuch coſts, as to them ſhall appear juſt and reaſonable, to be paid by either party; and if upon hearing the ſaid appeal, the judgment of the juſtice before whom the appellants ſhall have been convicted, ſhall be affirmed, ſuch appellants ſhall immediately pay down the ſum they ſhall have been adjudged to forfeit together with ſuch coſts as the juſtices at their ſaid ſeſſions award to be paid to the proſecutor for defraying the expences ſuſtained by reaſon of ſuch appeal, and in default of the appellants paying the ſame, any two ſuch juſtices, or any one magiſtrate or juſtice of the peace, having juriſdiction in the place into which any ſuch appellant ſhall eſcape, or where they ſhall reſide, ſhall, by warrant under their hand and ſeal, commit every ſuch appellant to the common gaol of the county or place where they ſhall be apprehended,

payment of the penalty,

warrant to commit appellants.

hended, until they ſhall make payment of ſuch penalty, and of the coſts which ſhall be ſo adjudged to the proſecutor.

XXIII. *ſect.* 9. But if the appellants ſhall make good their appeal, and be diſcharged of the ſaid conviction, reaſonable coſts ſhall be awarded to the appellants againſt ſuch proſecutors who would, in caſe of ſuch conviction, have been intitled to the penalty to have been recovered as aforeſaid, which coſts ſhall be recovered by the appellants againſt ſuch proſecutors, in like manner as is herein before directed to be recovered againſt ſuch appellant. Reverſal of judgment. Coſts to the appellant.

XXIV. *ſect.* 10. In caſe the ſaid original leſſor, his or her heirs, ſhall neglect to proceed for the ſaid penalty as aforeſaid, within ſix calendar months after any ſuch pernicious burning, it ſhall be lawful for the original leſſee, his or her heirs, executors, adminiſtrators or aſſigns, within ſix months next after the expiration of the time hereby given to the original leſſor, to proceed in the ſame manner, and recover any ſuch penalty and coſt as is herein before directed in the caſe of the original leſſor; and in caſe the original leſſee ſhall neglect to proceed for the ſaid penalty and coſt as aforeſaid, in ſuch caſes it ſhall be lawful for the next immediate leſſors, and ſo ſucceſſively, to proceed for and recover the ſaid penalty and coſt from the occupiers of the land ſo burned by them, within three months next after the time hereby granted to the original leſſee. In default of leſſors, leſſees may ſue. Original leſſee neglecting, the next leſſor may ſue.

XXV. *Stat.* 5 *Geo.* 3. *cap.* 10. *ſect.* 1. *Whereas an act paſſed in the ſeventeenth year of the reign of his late Majeſty king* George *the ſecond*, to prevent the pernicious practice of burning land, *which act, as to ſuch part thereof as relates to the burning of land, was by an act made in the twenty firſt year of the reign of his late Majeſty continued until the twenty ninth of* September, *one thouſand ſeven hundred and ſixty ſix, and as to ſuch part thereof as relates to the burning of land, was, by an act paſſed in the firſt year of his preſent Majeſty*, for reviving, continuing, and amending ſeveral temporary ſtatutes, *with ſeveral amendments, made perpetual: and whereas an act paſſed in the laſt ſeſſion*, for the more effectual preventing the pernicious practice of burning land: *and whereas many circumſtances have occurred, by means of which ſaid recited laws have been frequently evaded: for remedy whereof* it is enacted, that in all caſes whatſoever, whether the ſoil or ſurface of any land ſhall be burned by the original leſſees, or by the occupiers of ſuch land, in ſuch caſe, on conviction, according to the mode preſcribed in the laſt recited act, two or more juſtices of the peace in the reſpective county in which ſuch burning of land ſhall have been committed, ſhall iſſue their warrant for levying the penalties either for burning the land, or preventing the ſurvey, according to the tenor of the laſt recited acts, either againſt the original leſſee, or any tenants deriving under ſaid original leſſees, or the immediate occupiers of ſuch land, at the election of ſaid original leſſees, or their heirs or aſſigns. Recital of the act, 17 G. 2. Continuance by the act 21 G. 2. Made perpetual by 1 G. 3. Leſſees or occupiers. Warrant for levying penalties.

XXVI. *ſect.* 2. And in caſe ſuch original leſſees, or any deriving under them, ſhall remove from the county in which ſuch burning ſhall be committed, that any chief magiſtrate or juſtice of the peace, within whoſe juriſdiction ſuch perſons ſhall be found, ſhall back and enforce the warrant granted by ſaid juſtices of the peace before whom the conviction was ſo had, and thereupon the penalties forfeited, together with the coſts of ſurveying, ſhall be levied on the goods and chattles of ſaid perſons, in like manner, and with ſuch like powers, as have been provided by the laſt recited act, in the caſe of any offenders againſt ſaid act, removing their goods to another county. Removing out of the county. Backing the warrants.

Backing ſummonſes.

XXVII. *ſect.* 3. And any chief magiſtrate or juſtice of the peace, within whoſe juriſdiction ſuch original leſſee, or tenant deriving under him, may be or reſide, ſhall back and enforce ſuch ſummonſes to be ſerved, as by the above recited act, on ſaid original leſſee or intermediate tenant chargeable with ſuch offence.

Remedy for tenants.

XXVIII. *ſect.* 4. And the original leſſee or intermediate tenant, on whom ſaid penalties ſhall be levied, ſhall have his remedy and indemnification againſt the occupiers of the land, in ſuch manner as by the above recited act has been provided for the original leſſee.

Committal by juſtices.

XXIX. *ſect.* 5. In default of payment, according to the laſt recited act, on application of any proſecutor, and proof made of the conviction, it ſhall be lawful for ſuch juſtices before whom the parties were convicted, or chief magiſtrate or juſtice who backed the warrant, to commit the offenders to the common gaol, as directed by ſaid act, there to remain for the ſpace of not leſs than three months, nor more than twelve months, to be proportioned by the diſcretion of ſaid chief magiſtrate or juſtices of the peace, to the quantity of land reſpectively by or under them ſo burned.

Biſhops, &c. and corporate bodies.

XXX. *ſect.* 6. All biſhops, deans and chapters, and other corporate bodies, who may, under their reſpective corporate rights be poſſeſſed of landed eſtates, ſhall have all the ſame remedies conferred by the above recited laws, in ſuch manner as if they were to be deemed heirs to their predeceſſors in ſuch eſtates and lands.

Penalty 5l. per acre.

XXXI. *Stat.* 11 *Geo.* 3. *cap.* 2. *ſect.* 3. Perſons, who after 10th May 1771 burn the ſoil or ſurface or permit it, contrary to proviſions in 17 *Geo.* 2. *cap.* 10. or 1 *Geo.* 3. *cap.* 12. *ſect.* 2. or to the intention of this act, ſhall, inſtead of the penalties by ſaid acts, forfeit five pounds for every Engliſh ſtatute acre, over and above all rent, ſo to be burned; recovered in the ſame manner as the penalties by ſaid acts.

Butchers.

Meaſles or murrain.

I. *Eng. Stat.* Ordinance for bakers, *incerti temporis*, *cap.* 7. A butcher that ſelleth ſwines fleſh meaſled, or fleſh dead of the murrain, or that buyeth fleſh of *Jews*, and ſelleth the ſame to *Chriſtians*, for the firſt time ſhall be grievouſly amerced, the ſecond time ſuffer the pillory, the third time be impriſoned and make fine, and the fourth time forſwear the town.

Not to be graziers.

II. *Stat.* 2 *Ann. cap.* 15. *ſect.* 1. No perſon being a butcher, ſhall at the ſame time follow or exerciſe the trade or occupation of a grazier, or ſhall keep any land in his poſſeſſion, or in the poſſeſſion of any other to his uſe, or in truſt for him, for the grazing, fatting, or keeping of any oxen, ſteers, ronts, cows, heifers, calves, ſheep, or lambs, above the quantity of twenty acres, on pain that as well the butcher, and ſuch perſon ſo poſſeſſed as aforeſaid, ſhall ſeverally forfeit for every month that they ſhall offend therein, twenty pounds, the one moiety of which forfeiture to be to the Queen, the other moiety to them that will ſue for the ſame in any court of record in *Dublin*, by action of debt, bill, plaint, or information, in which no eſſoign, protection, or wager of law ſhall be allowed, or more than one imparlance.

Penalty for every month.

III. *ſect.*

III. *ſect.* 2. No perſon exerciſing the trade of a butcher within the city of *Dublin*, or within five miles thereof, ſhall ſell any fat oxen, ſteers, cows, ſheep, calves, or lambs, either alive or dead, to any other perſon exerciſing the ſame trade, on pain of forfeiting double the value of all ſuch oxen, ſteers, cows, ſheep, calves, or lambs, ſo ſold to any other butcher contrary to this ſtatute, the one moiety of which forfeiture to be to the Queen, the other moiety to him that will ſue for the ſame. Selling to other butchers.

IV. *ſect.* 3. No butcher ſhall keep at hay, or ſhall feed any oxen, ſteers, cows, or heifers, above the ſpace of ten days, on pain of forfeiting all ſuch oxen, ſteers, cows, or heifers. Feeding at hay.

V. *ſect.* 4. No butcher ſhall ſell or expoſe to ſale, either by himſelf or any ſervant or agent, any oxen, cows, ſteers, heifers, calves, ſheep, or lambs alive, to any perſon within twenty miles of the place where they ſhall buy the ſaid fat oxen, ſteers, cows, heifers, calves, ſheep, or lambs, on pain of forfeiting the full value of all ſuch oxen, &c. ſold or expoſed to ſale contrary to this ſtatute, the one moiety of which forfeiture to be to the Queen, the other moiety to them who will ſue for the ſame. Selling within twenty miles.

VI. *ſect.* 10. No butcher by himſelf, or any other perſon, ſhall unneceſſarily gaſh or cut any hide of any ox, bull, ſteer, or cow, whereby the ſame ſhall be impaired, upon pain of forfeiture for every hide ſo gaſhed or cut, the ſum of twenty pence. Gaſhing hides.

VII. *ſect.* 13. It ſhall be lawful for the juſtices of the peace of the ſeveral counties, at their reſpective quarter ſeſſions, to hear and determine all the offences aforeſaid, and upon the convictions of ſuch offenders before them, to make extracts of the one moiety of the ſaid forfeitures into the exchequer, as had been uſed to be done in caſe of other fines and amercements, forfeited to her Majeſty in the ſeſſions of the peace, and to award and iſſue forth execution for the other moiety due by this act to the informer or proſecutor, by *capias* or *fieri facias* out of the ſaid court of ſeſſions, in ſuch ſort as the Queen's bench at *Dublin* have in ſuch caſes uſed to do. Quarter-ſeſſions. Execution for penalties.

VIII. *ſect.* 14. Provided, that no perſon ſhall be ſued for any offence againſt this act, unleſs ſuch proſecution ſhall be begun within ſix calendar months next after the offence committed. Proſecution in ſix months.

IX. *ſect.* 15. If upon any proſecution grounded upon this act, it ſhall appear to the judges or juſtices of the peace before whom ſuch information ſhall be preſented, that ſuch information or proſecution was promoted only for vexation, and without any reaſonable cauſe, the ſaid judges or juſtices of the peace ſhall award the party ſo unjuſtly proſecuted treble coſts, occaſioned by ſuch vexatious proſecution, the ſame to be recovered by *capias* or *fieri facias*. Vexatious ſuits. Treble coſts.

X. *ſect.* 16. If any *Engliſh* information or bill ſhall be brought againſt any perſon offending contrary to this act, ſuch perſons ſhall put in their anſwers to ſuch information or bill on their corporal oaths; and no plea or demurrer unto ſuch information ſhall be allowed, in reſpect of the penalty of this act, which ſuch anſwers may ſubject ſuch perſons unto. Anſwer to informations.

XI. *ſect.* 17. If any ſuit ſhall be proſecuted againſt any perſons for whatever they ſhall do in purſuance of this act, ſuch perſons may plead the general iſſue, and if the proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer a diſcontinuance, or if a verdict ſhall paſs againſt him, the defendants ſhall recover their treble coſts. General Iſſue.

This act is made perpetual by Stat 9 *Ann. cap.* 7.

Selling to butchers.

XII. *Stat.* 15 *Geo.* 2. *cap.* 9. *ſect.* 1. No perſon exerciſing the trade of a butcher within the city of Dublin, or within five miles thereof, by himſelf, ſervant, agent, or any other perſon, ſhall ſell the carcaſe, ſide, quarter, or other joint of beef, mutton, veal, lamb, or pork, to any other perſon uſing the trade of a butcher, to be ſold again or expoſed to ſale in the market of the ſaid city or liberties adjoining, and no perſon exerciſing the trade of a butcher within the ſaid city, or within five miles thereof, ſhall by himſelf, ſervant, or any other perſon, ſell or expoſe to ſale, the careaſe, ſide, quarter, or joint of any oxen, ſteer, cow, ſheep, calf, lamb, or ſwine, which they ſhall not have bought and had in their actual poſſeſſion alive.

Penalty for offences.

(2) And if any perſon ſhall offend in the premiſſes, and be thereof convicted by their own confeſſion, or by the oath of two credible witneſſes, before the lord mayor of the ſaid city, or any two juſtices of the peace of the ſaid city, and in the liberties adjoining to the city of Dublin, before the reſpective ſeneſchals, who are hereby impowered to hear and determine the ſame, ſuch offenders ſhall for every ſuch offence forfeit twenty ſhillings, to be levied by warrant under the hands and ſeals of ſuch magiſtrate, or juſtices, or ſeneſchals, by diſtreſs and ſale of the offenders goods, rendering the overplus, if any be, to the owners, after deduction of the reaſonable charges for taking the ſaid diſtreſs, and out of the ſaid diſtreſs to pay the ſaid forfeitures to the informer.

Public whipping.

(3) And in caſe ſuch offenders ſhall not have goods ſufficient to anſwer the ſaid penalties, ſuch offenders, by warrant under the hand and ſeal of ſuch magiſtrate, juſtices of the peace, or ſeneſchal, ſhall be publickly whipped three market days ſucceſſively through the ſaid city or liberties, where ſuch offence ſhall be committed.

Proſecution in one month.

XIII. *ſect.* 2. All proſecutions upon this act ſhall be commenced within one month after the offence committed, and no perſon who ſhall be convicted and pay the penalty for any offence committed againſt this act, ſhall be liable to any of the penalties in the act 2 *Ann. cap.* 15. for the ſame offence, or if any perſon ſhall be convicted and pay the penalty on the ſaid act, ſuch perſon ſhall not be liable to any of the penalties herein contained for the ſame offence.

Slaughtering within the markets.

XIV. *Stat.* 17 *Geo.* 2. *cap.* 5. *ſect.* 4. No butcher or other perſon, who ſhall kill or ſlaughter any ox, cow, ſheep, ſwine, calf, lamb, or other cattle for ſale, ſhall ſlaughter, kill, or dreſs the ſame within the markets, or where they keep ſtalls, and every butcher and other perſon who ſhall kill or ſlaughter any ox, cow, ſheep, ſwine, calf, lamb, or other cattle for ſale, ſhall ſlaughter and flea the ſame in the moſt clean and plain manner, and not on any pretence raiſe or blow the ſame, or thruſt any ſkewers, ſo as to be concealed therein, or greaſe or varniſh, or any way lay on the fleſh of ſuch cattle any fat, tallow, ſewet, butter, greaſe, or other matter, or uſe any fraudulent and deceitful art to ſet off the ſame.

Dreſſing meat.

(2) And no butcher or other perſon ſhall ſell or expoſe to ſale any cattle killed, but what ſhall be killed and dreſſed in the moſt plain manner, and according to the meaning of this act.

Forfeitures.

(3) And if any butcher or other perſon ſhall offend in any of the premiſſes, and be convicted upon oath of the ſaid offence before one juſtice of the peace of

of any county, or any chief magiſtrate of any city or corporation, or before the ſeneſchals of *Saint Sepulchre's*, *Thomas-court* and *Donore*, by one witneſs, or upon confeſſion of the offenders, before ſuch juſtice, chief magiſtrate or ſeneſchals, or on view by ſuch juſtice, chief magiſtrate, or ſeneſchal, the parties ſo offending ſhall forfeit ſuch ox, cow, ſheep, ſwine, calf, lamb, or other cattle, or part thereof killed or dreſſed contrary to this act, to be diſpoſed of by ſuch juſtices, *&c.* amongſt the poor of the pariſhes where the offence ſhall be committed.

Penalty of five ſhillings.

(4) And if ſuch beaſt, or part thereof ſo forfeited, be not of the full value of ten ſhillings, ſuch butcher or other perſons ſhall, over and above the ſaid forfeiture, pay for every ſuch offence five ſhillings, to be levied by diſtreſs and ſale of the offenders goods, the overplus to be reſtored after all charges of the ſaid diſtreſs defrayed, the ſaid penalty of five ſhillings to be paid to the perſons who ſhall diſcover and prove the ſaid offence.

Conſtables.

(5) And every conſtable of the pariſh, or chief conſtable of the barony where ſuch offence ſhall be committed, are required to levy the ſame accordingly, by warrant under the hand and ſeal of ſuch juſtice, *&c.*

Publick whipping.

(6) And in caſe ſuch offenders ſhall not have goods ſufficient for the levying of the ſaid penalty, it ſhall be lawful for the juſtices before whom ſuch conviction ſhall be, by warrant under their hand and ſeal, to appoint ſuch offenders to be publickly whipt through ſuch corporation or next market town on the next market day immediately following, or impriſoned for any time not exceeding fourteen days. *See Tit.* Cattle.

Butlerage.

Steward of the King's houſe, *&c.*

I. *Eng. Stat.* 25 *Edw.* 3. *ſtat.* 5. *cap.* 21. The ſteward of the King's houſehold, and treaſurer of the wardrobe, ſhall ſend to all the ports, where wines be taken to the King's uſe, the certain number which the butler ſhall take in every port, ſo that nothing be taken over that number. And the mayor and bailiffs of the ports ſhall certify the ſteward and treaſurer of the number of the tuns taken by the butler, by indentures made betwixt them and the takers of the wines. And in caſe it be found that the butler take more, or take reward of any, or delay any by colour of his office, he ſhall make ſatisfaction to the party of the double, and ſhall be put out of his office, and have impriſonment, and be ranſomed. And the King ſhall aſſign his juſtices, when it ſhall pleaſe him, to enquire upon theſe things. And the butler ſhall anſwer for his deputies, where they be not ſufficient.

Butler of the King.

II. *Eng. Stat.* 43 *Edw.* 3. *cap.* 3. The king's butler, *&c.* ſhall not take more wines for the houſe of the King than they have in commandment, upon pain of impriſonment, and to be ranſomed; and as much as they ſhall take by force of the warrant, ſhall be taken within ten days, and the merchants may of the remnant make their profit.

Butter and Tallow.

The acts, 10 Will. 3. cap. 2. *and* 6 Ann. cap. 12. *being partly altered and partly re-enacted by the ſubſequent ſtatutes, are therefore omitted.*

I. *Stat.*

Butter and Tallow.

Tare to be branded.

I. *Stat.* 2 *Geo.* 1. *cap.* 16. *ſect.* 1. No perſons ſhall ſell or expoſe to ſale any caſk of butter, whereon the tare of ſuch caſk ſhall not be fairly burnt with a branding iron on the ſide and bottom of ſuch caſk, at which tare the buyer thereof ſhall be obliged to take the ſame.

Buyer may ſtrip caſks.

(2) But if ſuch buyer ſhall at the time of the ſale or receiving, object againſt the ſaid tare, it ſhall be lawful for the buyer to ſtrip any ſuch caſks as he ſhall ſuſpect to be above the tare marked, and if after ſtripping of ſuch caſks, any of them ſhall be found to weigh one pound more than the tare marked on the ſide and bottom of ſuch caſk, on proof thereof made before the next juſtice of the peace of the county, city, or town where the ſaid butter is expoſed to ſale, by the oath of one credible witneſs, other than the parties concerned in buying of the ſaid butter, which oath the ſaid juſtice is hereby impowered to adminiſter, and finally to hear and determine accordingly, the ſeller ſhall forfeit twelve pence for every pound the ſaid caſk ſhall weigh more than the tare ſo marked on the ſide and bottom of the ſaid caſk.

Forfeiture.

(3) And in caſe the tare is not branded as aforeſaid on the ſaid caſk, the ſeller ſhall forfeit the butter contained in ſuch caſk, one moiety of which forfeiture ſhall go to the buyer, and the other moiety to the poor of the pariſh where the ſaid butter ſhall be ſold or expoſed to ſale.

Extorting allowance.

II. *ſect.* 2. If any buyer ſhall, for his own lucre and gain, endeavour to oblige the perſon who expoſed the ſaid butter to ſale, to make any greater allowance than the tare marked on the caſk as aforeſaid, ſuch buyers notwithſtanding any contract with the ſeller, being thereof convicted before the next juſtice of the peace of the county, city or town where ſuch butter ſhall be expoſed to ſale, by the oath of one credible witneſs, other than the parties concerned in the ſale of ſuch butter, ſhall forfeit ten pounds, to be levied by diſtreſs and ſale of the goods of the party offending, by the warrant of ſuch juſtice before whom the party was convicted, over and above the price of the butter, one moiety whereof ſhall be paid to the informer, and the other moiety to the poor of the pariſh where ſuch offence ſhall be committed. *See ſtat.* 4 *Geo.* 1. *cap.* 12. *ſect.* 2.)

Penalty.

Caſks to hold pickle.

III. *ſect.* 3. No butter caſk ſhall be made, or butter expoſed to ſale in any caſk, but ſuch as are made tight, and will hold pickle, and of well ſeaſoned timber either of oak or aſh, the heads and bottoms of the ſaid caſk to be ſet into the croſs, and the cantus to be dooled, and every caſk ſhall be made with hoops twigged, and no other, and if any perſons ſhall make any butter caſks, or pack up butter, or expoſe the ſame to ſale in any other caſk than as aforeſaid, ſuch perſons ſo offending, ſhall, upon conviction before one juſtice of the peace or chief magiſtrate of any corporation, by one witneſs on oath, or upon confeſſion of the offender before ſuch juſtice or chief magiſtrate, forfeit for every ſuch offence, *viz.*

Penalty on coopers, and packers.

(2) The cooper ten ſhillings for every ſuch caſk, and the perſon packing up, or expoſing to ſale in any other caſk than as aforeſaid, ten ſhillings for every hundred weight of butter, and ſo proportionably for every greater or leſſer quantity that ſhall be in every ſuch caſk, one moiety to the informer, the other moiety to the uſe of the poor of the pariſh.

Diſtreſs and ſale.

(3) The ſaid penalties to be levied by diſtreſs and ſale of the offender's goods, the overplus to be reſtored after all charges of the ſaid diſtreſs defrayed, and every conſtable of the pariſh, or chief conſtable of the barony where

where ſuch offence ſhall be committed, are required to levy the ſame accordingly, by warrant under the hand and ſeal of ſuch juſtice or chief magiſtrate.

(4) And in caſe ſuch offenders ſhall not have goods ſufficient to anſwer the ſaid penalty, ſuch offenders ſhall be publickly whipt through ſome market town in the ſaid county, in or near ſuch town where the offence was committed, between the hours of eleven and twelve in the forenoon. Public whipping.

IV. *ſect.* 4. No perſon ſhall in any caſk pack up or mix old butter with new, or uſe bay-ſalt inſtead of white in packing it, or greater quantities of ſalt than melts in working it up. Mixing or uſing bay ſalt.

(2) And perſons ſo offending, and every perſon expoſing to ſale ſuch butter ſo packed up contrary to this act, ſhall forfeit ten ſhillings for every hundred weight of butter, and ſo proportionably for every greater or leſſer quantity that ſhall be in every ſuch caſk, one moiety to the informer, the other moiety to the poor of the pariſh, to be recovered in the ſame manner as the other penalties in this act are recoverable. Penalty for offences.

V. *ſect.* 5. In all cities and towns corporate the chief magiſtrates of ſuch cities and towns, and the grand juries in all counties of cities and counties of towns, and the ſeneſchals and grand juries in their reſpective manors, ſhall have authority to inſpect into the quality of all butter brought to ſuch city, town or manor for ſale. Magiſtrates and grand-juries.

(2) And if any caſks of butter ſhall be found packed contrary to the directions and regulations of this act, ſuch caſks of butter ſhall be ſeized by ſuch chief magiſtrate or ſeneſchal, and grand jury, and be liable to the ſeveral penalties and forfeitures herein before mentioned, to be recovered as the other penalties in this act are recoverable. (*See Stat.* 4 *Geo.* 1. *cap.* 12. *ſect.* 5.) Seizure of goods.

VI. *ſect.* 6. Every perſon melting tallow ſhall ſet with a branding iron upon the ſide and bottom of every tallow caſk, the exact tare of ſuch caſk, and alſo ſhall brand upon the ſide of the ſaid caſk, the firſt letter of the chandler or maſter's chriſtian name, and his ſir-name at length with an iron brand, with a mark for the city, town, village, and pariſh wherein he lives, at which tare the buyer ſhall be obliged to take the ſame. Branding tallow caſks.

(2) But if ſuch buyer ſhall at the time of the delivery, object againſt the ſaid tare, it ſhall be lawful for the buyer to ſtrip ſuch caſks as he ſhall ſuſpect to be above the tare ſo marked, if after the ſtripping of ſuch caſks, any of them ſhall be found to weigh more than the tare ſo branded, the ſeller ſhall forfeit one ſhilling for every pound the caſk ſhall weigh more than the tare ſo branded, to be recovered and diſtributed as the other penalties herein before mentioned. Buyer objecting.

(3) And if ſuch chandler or melter of tallow, or other perſons expoſing tallow to ſale, ſhall expoſe to ſale any caſk of tallow, not having the tare, and the chriſtian-name and ſir-name of the perſon melting ſuch tallow as before directed, ſuch perſons ſo offending, ſhall forfeit for every ſuch offence ten ſhillings for every hundred weight of tallow, and ſo proportionably, one half to the informer, the other moiety to the poor of the pariſh, to be recovered in the ſame manner as the other penalties in this act. Tare to be branded.

VII. *ſect.* 7. Where the buyer of butter and tallow will have the caſk ſtripped, if the tare upon ſtripping be found to anſwer according to the brand, the buyer ſhall pay the charges of ſtripping; but if the tare be more than the brand, then the ſeller is to pay for ſuch ſtripping. Stripping caſks.

VIII. *ſect.* 8. If any chandler or perſon rendring or packing of tallow, ſhall mix any unmerchantable tallow in any caſk of tallow, ſuch perſons ſo offending, Mixing tallow.

offending, ſhall forfeit for every ſuch offence ten ſhillings for every hundred weight of tallow that ſuch caſks ſhall contain, and ſo proportionably for a greater or leſſer quantity; one half to the informer, and the other moiety to the poor of the pariſh, to be recovered before the chief magiſtrate of any city or town, or any juſtice of the peace as aforeſaid, upon the oath of two credible witneſſes at leaſt, ſkilled in the ſaid commodities.

Forfeiture. IX. *ſect.* 9. If any perſon ſhall carry or convey any caſks of butter or tallow to any cuſtom-houſe, or place appointed for loading or diſcharging of goods, with an intent to export the ſame, on which caſks the tare thereof is not branded as by this act is required, all ſuch caſks, and the butter and tallow therein contained, ſhall be forfeited to any perſons who ſhall ſeize the ſame, and give information thereof to any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions.

Examination. (2) Which ſaid juſtice or chief magiſtrate ſhall proceed to examine the ſame, and if it ſhall appear by the oath of one credible witneſs, that the tare of ſuch caſks was not branded on the ſame purſuant to this act, ſuch juſtice or chief magiſtrate ſhall adjudge ſuch caſks, and the butter and tallow therein contained, to be forfeited, one moiety thereof to the informer, and the other moiety to the uſe of the poor of the pariſh where ſuch caſks of butter and tallow ſhall be ſeized.

Officers of the revenue. X. *ſect.* 10. No land-waiter or officer of the revenue, intruſted with the loading or putting on board any butter or tallow in order to be exported, ſhall permit any caſks of butter or tallow to be ſhipped or loaden on board any ſhip, boat or veſſel in order to be exported, unleſs the tare of ſuch caſks be branded thereon purſuant to this act.

Incapable of ſerving. (2) And if any ſuch land-waiter or officer of the revenue ſhall offend therein, and be thereof lawfully convicted on any indictment in the court of king's-bench, or at the aſſizes to be held for the county, city, or town where ſuch offence was committed, ſuch land-waiter or officer of the revenue ſhall be incapable of ſerving his Majeſty, *&c.* in any employment in the revenue during three years after ſuch conviction.

Repeal of 2 G. 1. c. 16. XI. *Stat.* 4 *Geo.* 1. *cap.* 12. *ſect.* 1. *So much of* Stat. 2 Geo. 1. cap. 16. *as relates to the dimenſions of butter caſks*; and all penalties by the ſaid act impoſed for not obſerving of the ſaid dimenſions, and every clauſe relating thereto are repealed.

No allowance in tare. XII. *ſect.* 2. Every perſon who ſhall either buy or ſell caſks of butter at any greater or leſſer tare, or ſhall give or take any greater allowance than the tare branded on ſuch caſks, notwithſtanding any contract between them, being thereof convicted before the next juſtice of the peace for the county, city, or town where ſuch butter ſhall be expoſed to ſale, by the oath of one credible witneſs, ſhall forfeit ten pounds, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of ſuch juſtice.

Oath to be given. XIII. *ſect.* 3. Juſtices of the peace may, if they ſee cauſe, compel ſuch buyers or ſellers of butter, to make oath whether the ſaid butter was bought *bona fide* at the tare branded on the caſks, and whether any and what allowance was given for the ſame; and in caſe of refuſal the parties ſo refuſing ſhall forfeit ten pounds, the aforeſaid ſeveral penalties to be recovered, levied, and diſpoſed of in the ſame manner as the penalty againſt the buyer by the aforerecited act is recoverable.

XIV. *ſect.*

XIV. *ſect.* 4. Where any caſks of butter ſhall be ſeized for being expoſed to ſale contrary to this and the ſaid former act, if no perſon ſhall within one and twenty days after ſuch ſeizure, appear before the juſtice of the peace to whom complaint is made of the ſaid caſks of butter being expoſed to ſale contrary to this or the ſaid former act, the ſaid juſtice is hereby required to diſpoſe of ſuch caſks of butter, and to levy the penalties in ſuch manner as by this or the ſaid former act are directed, rendering the overplus to the owner when demanded. Claim in twenty one days.

XV. *ſect.* 5. The chief magiſtrate, ſeneſchals and grand juries within their reſpective juriſdictions, ſhall have authority to inſpect not only into the quality of all butter brought to any city, town, or manor for ſale, but alſo ſuch as ſhall be brought thither and intended for tranſportation, and if any caſks of ſuch butter ſhall be found packed contrary to the regulations of this and the ſaid former act, ſuch caſks of butter ſhall be ſeized by ſuch chief magiſtrate, ſeneſchal or grand juries reſpectively, and be liable to the ſeveral penalties and forfeitures in this and the ſaid recited act mentioned, to be recovered and diſpoſed of as the other penalties in this and the ſaid recited act are recoverable. Sale or tranſportation.

Stat. 8 Geo. 1. cap. 7. *For the amendment of the law in relation to butter and tallow caſks*, &c. *was continued by* Stat. 10 Geo. 1. cap. 9. *until the ſecond day of* March 1723, *and no longer; but by a clauſe in the latter part of that ſtatute, ſuch parts of* Stat. 8 Geo. 1. cap. 7. *as relate to the dreſſing*, &c. *of hides in the city of* Dublin, *and liberties adjoining; and alſo as far as the ſame relates to caſks in which beef and pork are made up for exportation, and alſo as far as the ſame relates to ſalmon, are continued during the continuance of* Stat. 10 Geo. 1. cap. 9. *So that the other parts of the ſtatute* 8 Geo. 1. *which related to butter and tallow*, &c. *are expired, tho' it is mentioned in ſeveral ſtatutes indefinitely as a ſtatute ſtill continued.* Note.

XVI. *Stat.* 10 *Geo.* 1. *cap.* 9. *ſect.* 2. In every city and town-corporate, except the cities of Dublin and Cork, the chief magiſtrate and aldermen, or chief magiſtrate and burgeſſes where there are no aldermen, under the ſeals of their reſpective corporations, and in every place of export from whence butter and tallow are commonly ſhipt for exportation, ſuch place being no city or town-corporate, and in every barony wherein there is any market town, the juſtices of the peace at the general quarter-ſeſſions for the reſpective counties in which ſuch places of exportation, and baronies lie, under their hands and ſeals from time to time as any vacancy ſhall happen, ſhall appoint ſkilful perſons to be publick weigh-maſters for ſuch reſpective city, town-corporate, place of export and barony. Appointing weigh-maſters.

XVII. *ſect.* 3. The weigh-maſters ſo to be appointed, ſhall hold their office during their good behaviour, and until ſuch time as they ſhall, in manner herein after mentioned, before the chief magiſtrate and aldermen, or chief magiſtrate and burgeſſes of the city or town corporate, or before the juſtices of peace, at the general quarter-ſeſſions for the county in which ſuch place of export or barony lies, for which they are appointed weigh-maſters reſpectively, be convicted of having acted contrary to the duty of their office. During good behaviour.

XVIII. *ſect.* 4. The chief magiſtrate and aldermen, or chief magiſtrate and burgeſſes in cities and towns-corporate, and the juſtices of the peace at the general quarter-ſeſſions in their reſpective counties, ſhall, upon full proof of the miſbehaviour of ſuch weigh-maſters in their office, either upon full hearing of them, Removal from office.

them, or upon their being duly ſummoned and neglecting to appear, by writing under the hands and ſeals of the major part of them, remove ſuch weigh-maſters, and appoint others in their ſtead.

Appeal to the juſtices of aſſize.

XIX. *ſect.* 5. Provided, that if any weigh-maſter ſo removed, or the perſons ſo complaining of them, ſhall think themſelves aggrieved by the determination of ſuch chief magiſtrate and aldermen, chief magiſtrate and burgeſſes, or juſtices of the peace, it ſhall be lawful for the party who ſhall think himſelf aggrieved, to apply by petition to the juſtices of aſſize for the county or place in which the city, town-corporate, place of export or barony ſhall lie in their next circuit, who are required to hear and finally determine the matter of ſuch petition, and to reſtore ſuch weigh-maſters if unduly removed, or to remove them if the complaint be juſt, by warrant under their hands and ſeals, and to award reaſonable coſts to the party, who upon hearing ſuch petition, ſhall appear to be aggrieved, which coſts ſhall be paid within a time to be appointed by ſuch juſtices of aſſize, and in default of payment, the party againſt whom the coſts are awarded, ſhall be committed till the ſame are paid.

Security by bond.

XX. *ſect.* 6. Every weigh-maſter to be appointed in purſuance of this act, before he ſhall enter upon the execution of ſuch office, ſhall perfect a bond with ſufficient ſecurity to the chief magiſtrate of ſuch city or town-corporate reſpectively, or enter into a recognizance before the juſtices of peace at the quarter-ſeſſions for ſuch county, of ſuch penalty as the ſaid chief magiſtrate, or the juſtices of peace ſhall think reaſonable, not exceeding five hundred pounds, nor leſs than twenty pounds, conditioned for his faithful execution of his ſaid office, and ſhall likewiſe take before the ſaid chief magiſtrate or juſtices the oath following, *viz.*

Oath to be taken.

I A B. *do ſwear, that I will diligently and faithfully execute the office of publick weigh-maſter, during the time I ſhall continue in the ſaid office, I will take care truly without fraud or delay to weigh all butter and tallow, and to weigh and brand all butter and tallow caſks, in ſuch order as the ſaid goods ſhall be brought to me to be weighed or branded; and in all other reſpects I will truly execute my ſaid charge,*

So help me God.

Weigh-houſes.

XXI. *ſect.* 7. Every weigh-maſter to be appointed in purſuance of this act, ſhall provide convenient weigh-houſes, to be approved in each city and town-corporate by the chief magiſtrate and aldermen, or chief magiſtrate and burgeſſes, and in every other place of export and barony; which weigh-houſe in each barony ſhall be in ſome market town, to be approved by the juſtices of peace at their reſpective quarter-ſeſſions.

Scales and weights.

(2) And ſhall alſo provide beams, ſcales, weights, branding-irons, and other neceſſaries at his proper charge, and ſhall attend at his weigh-houſe by himſelf, or by a ſufficient deputy, to be approved of by the chief magiſtrate and aldermen, chief magiſtrate and burgeſſes, or juſtices of the peace at the quarter ſeſſions reſpectively, in every city and town-corporate where butter and tallow have been uſually ſold.

Days of attendance.

(3) And in every other place of export from whence ſuch commodities are commonly exported, every day in the week, Sundays and holydays excepted, from ſix of the clock in the morning till twelve, and from two in the afternoon till ſix, from the twenty fifth day of March till the 29th day of September, and from thence to the twenty fifth day of March from eight in the morning till twelve, and from two in the afternoon till four.

(4) And

(4) And in ſuch towns-corporate where butter or tallow are not uſually ſold, and in ſuch places of export from which the ſaid commodities are not commonly exported, on market-days only during the hours aforeſaid, and then and there weigh, brand, and mark all ſuch commodities and empty caſks, as by this act he is required. Market-days only.

XXII. *ſect.* 8. No perſons ſhall buy or ſell any empty caſks for packing of butter for ſale or export, or ſhall make up or pack butter in any caſks for ſale, unleſs ſuch caſk be made of good ſeaſoned oak, aſh or ſycamore, whereof no part to be bog-timber, and made tight that they will hold pickle, with head and bottom equally dooled and ſet to the croſs, with twelve good freſh ſufficient hoops on each caſk, all well twigged with good freſh oſier twiggs, nor before ſuch caſks ſhall be weighed and branded by ſome weigh-maſter purſuant to this act appointed. Timber for caſks.

(2) Which weigh-maſters, or their deputy are required to weigh all ſuch empty caſks, and to allow on account of ſokage two pounds more on each firkin, that ſhall contain half a hundred weight of net butter, and four pounds on each caſk containing a hundred weight, and ſo in proportion to the ſize of the caſk, the weight of which empty caſk, with allowance for ſokage as aforeſaid, the ſaid weigh-maſter or his deputy is required to brand on the head, ſide, and bottom of every ſuch empty caſk, together with the firſt letter of his chriſtian-name and his ſirname at length, with the name of the place where ſuch weigh-houſe ſhall be kept. Allowance for ſokage.

(3) And in caſe any weigh-maſters or their deputy ſhall weigh or brand any ſuch caſks not made as aforeſaid, or any perſons ſhall buy or ſell any caſks not branded as aforeſaid, the ſaid weigh-maſter, buyer and ſeller, being thereof convicted before the chief magiſtrate of the place, or ſome juſtice of the peace of the county or diviſion where ſuch offence ſhall be committed, upon the oath of one credible witneſs, ſhall for every ſuch offence forfeit five ſhillings, to be levied by warrant under the hand and ſeal of ſuch chief magiſtrate or juſtice of the peace, by diſtreſs and ſale of the goods of the offenders; one moiety of which forfeiture ſhall go to the poor of the pariſh, and the other to the informer. Weighing or branding.

XXIII. *ſect.* 9. If any weigh-maſter or his deputy ſhall mark any caſk falſely, as containing more or leſs than the true weight, the weigh-maſter by whom or by whoſe deputy any ſuch caſk ſhall be falſely marked, being convicted thereof as aforeſaid, ſhall, for every ſuch caſk falſely marked, forfeit ten ſhillings, to be recovered, levied, and diſtributed in the manner aforeſaid. Marking falſely.

XXIV. *ſect.* 10. All caſks in which tallow ſhall be packed or made up, ſhall before the ſame be filled or packed, be brought to one of the ſaid publick weigh-houſes, where ſuch weigh-maſter or his deputy ſhall brand the true weight of ſuch caſk on ſide, bottom and top, with the firſt letter of his chriſtian name, and his ſirname at length, and the place of his abode. Tallow caſks.

(2) And in caſe any perſons make up tallow in any caſks, and ſhall expoſe the ſame to ſale, or attempt to export any tallow where the caſks are not branded as aforeſaid, ſuch perſons ſhall forfeit for every ſuch caſk of tallow ten ſhillings ſterling, to be upon conviction recovered, levied, and diſtributed in manner as before mentioned. Forfeiture.

XXV. *ſect.* 11. Provided that no weigh maſter ſhall weigh and brand as aforeſaid, any empty caſk, which may contain half a hundred of net butter, that ſhall weigh leſs than ten pounds, and ſo in proportion for a larger caſk. Weight of caſks.

Merchantable.

XXVI. *ſect.* 12. All caſks of tallow and butter, before the ſame be ſold in or exported from any ſea-port, ſhall be brought to ſome public weigh-houſe of ſuch ſea-port by this act appointed, there to be tried, proved, and weighed by ſuch weigh-maſter or his deputy, who are required ſtrictly to inſpect the ſame, and before they mark or brand the ſame, to ſee that ſuch butter and tallow be merchantable, and made up according to the known laws of this kingdom.

Goods forfeited.

(2) And in caſe any ſuch goods ſhall not appear to be merchantable, or ſo made up, ſuch weigh-maſters or their deputies are required to carry ſuch butter and tallow, with the perſon who brought the ſame to be weighed, before ſome neighbouring juſtice of the peace, or the chief magiſtrate of the place, who is hereby impowered to inquire into the ſame; and if ſuch goods ſhall upon examination and inſpection or due proof appear to him to be unmerchantable, or made up contrary to law, he ſhall adjudge the ſaid goods forfeited, one moiety to the poor of the pariſh, and the other to the informer.

Examination.

(3) And if ſuch juſtice or chief magiſtrate ſhall be doubtful of the quality of ſuch butter or tallow, or if either party require the ſame, ſuch juſtice or chief magiſtrate is required to ſummon, examine, and hear upon oath two able merchants of the place in relation to the nature and quality thereof.

Office-mark.

(4) And when ſuch butter and tallow ſo brought to be weighed purſuant to this act, ſhall appear to ſuch weigh-maſter or his deputy to be merchantable, and made up according to law, ſuch weigh-maſter, or his deputy ſhall weigh the ſame, and mark on the head and ſide of each caſk the groſs weight thereof, and on the ſide thereof brand the name of ſuch place of export, together with the firſt letter of the chriſtian name and the ſirname at length of ſuch weigh-maſter as an office mark.

Fees for weighing.

XXVII. *ſect.* 13. Every weigh-maſter who ſhall in purſuance of this act be appointed to weigh and brand empty caſks for butter and tallow ſhall receive from the perſon bringing the ſame to be weighed and branded, one penny for every empty caſk weighed and branded of any aſſize whatſoever, and for the weighing and branding of every caſk of butter one penny, for every caſk of tallow a halfpenny *per* hundred net.

Refuſal of payment.

(2) And upon refuſing to pay the above fees for the aforeſaid goods, by the perſons bringing them to be weighed, it ſhall be lawful for any weigh-maſter or his deputy to detain ſuch goods or empty caſks, until ſatisfaction be made according to this act.

Neglecting to attend.

XXVIII. *ſect.* 14. If any weigh-maſter ſhall neglect to attend on the days and during the times hereby appointed by himſelf or his deputy, ſuch weigh-maſter ſhall for each offence of himſelf or his deputy reſpectively forfeit five pounds, to be recovered by them who ſhall ſue for the ſame by civil bill in the reſpective counties where ſuch weigh-houſes are appointed, and in the county of the city of Dublin and county of Dublin at the quarter ſeſſions reſpectively, provided that ſuch civil bill be brought at the next aſſizes or quarter ſeſſions reſpectively.

Counterfeiting brands.

XXIX. *ſect.* 15. Every perſon who ſhall counterfeit or alter the brand or mark of any weigh-maſter, ſhall forfeit ten pounds for every ſuch offence, to be recovered by civil bill as aforeſaid, by any perſon who ſhall ſue for the ſame.

Forfeitures.

XXX. *ſect.* 16. If any perſon ſhall attempt to export, or lay upon any wharf or quay, in order for exportation, any butter or tallow caſks not branded and marked as aforeſaid, ſuch butter and tallow, and the caſks in which the

the ſame are made up, ſhall be forfeited, and may be ſeized by the weigh-maſter of the place, or his deputy.

(2) And upon due proof ſhall be condemned and ſold by the chief magiſtrate of the place, or ſome neigbouring juſtice of the peace, and one moiety of the money ariſing by ſuch ſale paid to the perſon who ſhall ſeize the ſame, and the other moiety to the uſe of the poor of the pariſh where ſuch offence ſhall be committed. Poor of the pariſh.

This act is continued as explained and amended by Stat. 12 Geo. 1. cap. 5 *with the ſeveral alterations and amendments made by* Stat. 21 Geo. 2. cap. 7. *until the 29th day of September* 1791, *and to the end of the then next ſeſſion of parliament, by* Stat. 5 Geo. 3. cap. 15.

XXXI. *Stat.* 12 *Geo.* 1 *cap.* 5. *ſect.* 1. Every caſk wherein tallow ſhall be made up or packed, ſhall have thereon twelve ſufficient hoops of a ſize proportionable to ſuch caſk, and no more; and every perſon that ſhall pack tallow in any ſuch caſk, ſhall brand the firſt letter of his chriſtian name and his ſirname at length, with the place of his abode upon every ſuch caſk. Hooping caſks.

(2) And any perſon who ſhall ſell, or expoſe to ſale, export, or attempt to export, or that ſhall buy any caſk of tallow that ſhall have thereon more or fewer than twelve hoops of proper ſize for ſuch caſk, or that ſhall not be branded with the perſon's name and place of abode that packed ſuch tallow as aforeſaid, knowing the ſame, being thereof convicted before the chief magiſtrate of the place, or a juſtice of the peace of the county or diviſion where ſuch offence ſhall be committed, by the oath of one witneſs, or by the confeſſion of the party, ſhall forfeit five ſhillings for every ſuch caſk ſo bought, ſold, or expoſed to ſale, exported or attempted to be exported. Penalty.

(3) To be levied by warrant under the hand of ſuch chief magiſtrate or juſtice of the peace, by diſtreſs and ſale of the goods of the offenders; one moiety of which forfeiture ſhall go to the poor of the pariſh where ſuch offence was committed, and the other to the informer; and whatever ſhall remain of the price of ſuch goods, ſhall be given to the party whoſe goods were ſo diſtrained. Warrant of diſtreſs.

(4) And for want of ſuch diſtreſs, the offender ſhall be committed to gaol, there to remain without bail or mainprize, for any time not exceeding ten days. Committal.

XXXII. *ſect.* 2. No perſon ſhall buy or ſell for exportation, any tallow or butter made up in caſks, within any city, town, liberty, or diviſion, where there are weigh-maſters or their deputies appointed purſuant to this or former acts, ſuch tallow or butter not being weighed and branded by ſuch weigh-maſters or their deputies, and perſons ſo offending, being thereof convicted in manner before mentioned, ſhall forfeit the butter or tallow ſo bought or ſold, to be diſtributed in manner aforeſaid. Unweighed.

XXXIII. *ſect.* 3. Where any caſks of butter or tallow have been once tried or marked by the proper weigh-maſters or their deputies, purſuant to the former acts, and ſuch caſks have been emptied, any perſons who ſhall pack butter or tallow in ſuch caſks, without having the ſame weighed, marked, and branded anew, purſuant to the method appointed by the former acts, for weighing, marking, or branding caſks wherein butter or tallow is to be packed, ſhall for every ſuch caſk that he ſhall ſo pack any tallow Emptied caſks.

tallow or butter in, forfeit ten ſhillings, to be recovered, raiſed and diſtributed in ſuch manner, as is herein before appointed.

Summons on complaints.

XXXIV. *ſect.* 4. Whenever any tallow or butter caſks, or tallow or butter are brought before the chief magiſtrate or juſtice of the peace, by any weigh-maſters or their deputies, as appearing to them to be unmerchantable, purſuant to the former act, (10 *Geo.* 1. *cap.* 9.) the ſaid juſtice or chief magiſtrate is required to iſſue a ſummons in writing to the perſons that brought the ſame to be weighed and tried, or to the perſon to whom the ſaid goods ſhall belong, to appear before him and attend ſuch trial, and if ſuch perſons ſhall neglect to appear according to ſuch ſummons in ten days after ſuch ſummons or notice, the ſaid juſtice or chief magiſtrate is required to proceed as by the ſaid former act is directed.

Doubt of the quality.

(2) And in caſe the ſaid juſtice or chief magiſtrate upon viewing and trying the ſame, ſhall have any doubt of the quality of the ſaid goods, it ſhall be lawful for ſuch juſtice or chief magiſtrate to ſummon two able merchants of the place, and two other perſons ſkilled in ſuch commodities, to examine in relation to the quality of the ſaid goods, according to the ſaid former act.

Neglecting to attend.

(3) And if ſuch merchants or other perſons ſhall neglect to attend upon ſuch ſummons according to the ſaid former act, without aſſigning ſome ſufficient or ſpecial cauſe for their not attending or being examined, every perſon ſo neglecting or refuſing, ſhall forfeit ten ſhillings, to be recovered and levied in ſuch manner as is herein before mentioned, and diſtributed among the poor of ſuch pariſh where ſuch goods were ſeized.

Caſks.

XXXV. *ſect.* 5. It ſhall be lawful for any perſons to make, buy, or ſell any empty caſks for packing butter for ſale or export, or to pack butter in any caſks of good ſeaſoned beech, birch, willow, or ſally, whereof no part is of bog timber, as well as of oak, aſh, or ſycamore, ſo as the ſame be made tight, according to the ſeveral regulations laid down in the former act.

Content of caſks.

XXXVI. *ſect.* 6. No perſon ſhall buy or ſell any empty caſks for packing butter for ſale or export, unleſs ſuch empty caſks be made according to the following contents, *viz.* no caſk ſhall contain leſs than half an hundred, and no caſk more than three hundred of net butter, and weigh maſters ſhall brand every ſuch caſk containing above two hundred weight of butter with the tare that ſuch caſk ſhall really weigh, allowing at the rate of four pounds weight for every hundred for ſokage.

Coopers to brand.

XXXVII. *ſect.* 7. Every cooper who ſhall make any caſk or caſks for packing butter for ſale or export, ſhall brand on every ſuch caſk the firſt letter of his chriſtian name and his ſur-name at length, with the place of his abode.

Penalty on coopers.

(2) And in caſe any cooper ſhall make any caſk for packing butter for ſale or export, other than of good ſeaſoned oak, aſh, ſycamore, beech, birch, willow, or ſally, or ſhall not brand the ſame as before directed, ſuch cooper ſhall forfeit for every ſuch caſk, five ſhillings, to be recovered, levied, and diſtributed, in manner aforeſaid.

On weigh-maſters.

(3) And in caſe any weigh-maſters or their deputies, ſhall weigh or brand any caſk for packing of butter, not made and branded as aforeſaid, ſuch weigh-maſters or their deputies, ſhall forfeit twenty ſhillings for every ſuch caſk, to be recovered, levied, and diſtributed, in manner aforeſaid.

XXXVIII. *ſect.*

XXXVIII. *ſect.* 8. No weigh-maſters or their deputies ſhall brand the tare on butter or tallow caſks with numeral letters, but inſtead thereof ſhall make uſe of figures in branding ſuch caſks. Tare in figures.

(2) And in caſe any weigh-maſters or their deputies, ſhall make uſe of numeral letters in branding the tare on butter and tallow caſks, they ſhall for every ſuch offence forfeit five ſhillings, to be recovered, levied, and diſtributed, in manner aforeſaid. Numeral letters.

XXXIX. *ſect.* 9. No weigh-maſters, their deputies, or any other perſons in truſt for them, appointed by this or the former act, for weighing butter or tallow in any city or town corporate, or in any place of export, ſhall buy, ſell, contract, or treat for, at their reſpective weigh-houſes any butter or tallow, in ſuch city, *&c.* where ſuch weigh-maſters, his, or their deputies, ſhall be appointed purſuant to this or the former act, until ſuch butter or tallow ſhall be legally weighed and branded, diſcharged and carried off from ſuch weigh-houſe. Buying or ſelling

(2) And in caſe any weigh-maſters or their deputies, or other perſon in truſt for them, ſhall buy, ſell, contract, or treat for any butter or tallow in any city or town corporate, or place of export where ſuch weigh-maſters or their deputies are appointed, before ſuch butter or tallow are legally weighed and branded, diſcharged and carried off from ſuch weigh-houſe, they ſhall, being thereof lawfully convicted before the chief magiſtrate of the place, or the next juſtice of the peace, forfeit for every ſuch offence, the goods ſo bought or ſold by them, the ſame to be recovered and diſtributed in manner aforeſaid. Penalty.

XL. *ſect.* 10. No cooper or other perſon who ſhall be employed in any weigh-houſe, in any city or town corporate, or place of export, or any other perſon or perſons in truſt for him or them, ſhall buy, ſell, contract, or treat for any butter or tallow at the weigh-houſe where ſuch perſon ſhall be employed. Coopers.

And in caſe any ſuch perſon, or any perſon in truſt for them, ſhall offend contrary to this act, ſuch perſon ſhall forfeit twenty ſhillings for every caſk of butter or tallow ſuch perſon ſhall buy or ſell as aforeſaid, the ſame to be recovered, levied, and diſtributed, in manner aforeſaid. Penalty.

XLI. *ſect.* 11. Whenever any caſk or caſks of butter or tallow are ſeized or brought for trial before the magiſtrate, or juſtice of the peace, or ſeneſchal, or are condemned by them, or whenever any diſtreſs ſhall be taken purſuant to this or former acts, no replevin ſhall lie, but the judgment of the magiſtrate or juſtice ſhall be concluſive. No replevin.

XLII. *ſect.* 12. Perſons ſued for putting in execution any of the powers contained in this act, or for doing any thing purſuant hereunto, may plead the general iſſue, *&c.* and if the plaintiffs ſhall be non-ſuited, or judgment be given againſt them by default, or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts. General iſſue.

XLIII. *ſect.* 14. Provided, that no perſon who keeps a publick-houſe, ſhall be capable of being a weigh-maſter, or deputy weigh-maſter, for weighing of butter or tallow, within the meaning of this, or the ſaid former act.

This Statute is continued as altered and amended by Stat. 15 *Geo.* 2. *cap.* 12. *and Stat.* 21 *Geo.* 2. *cap.* 7. *until the* 29*th day of September* 1769, *by the ſaid act* 21 *Geo.* 2. *cap.* 7.

XLIV. *Stat.*

Coopers not to be weigh-maſters.

XLIV. *Stat.* 13 *Geo.* 2. *cap.* 12. *ſect.* 6. No cooper during the time ſuch cooper ſhall follow the trade of a cooper, or ſhall employ any apprentice or other perſon in making caſks for packing up butter or tallow for his uſe, or in truſt for him, ſhall be capable of being appointed a weigh-maſter, or deputy weigh-maſter.

Caſks not branded.

XLV. *ſect.* 7. If any merchant-dealer, or other perſon, ſhall carry or convey any caſks of butter or tallow to any cuſtom-houſe, or to any other place for loading or diſcharging of goods with intent to export the ſame, on which caſks the weigh-maſters brands ſhall not be marked or branded thereon, as by *ſtat.* 8 *Geo.* 1. *cap.* 7. 10 *Geo.* 1. *cap.* 9. and 12 *Geo.* 1. *cap.* 5. are required and directed, all ſuch caſks of butter and tallow, as alſo the butter and tallow therein contained, ſhall be forfeited to any perſon who will ſeize the ſame, and give information thereof to the mayor or other chief magiſtrate of the city or town-corporate where ſuch cuſtom-houſe or place of export lies.

Juſtices of peace.

(2) And in ſuch places where there is no ſuch mayor or chief magiſtrate, to ſome neighbouring juſtice of the peace, who are hereby required within their reſpective juriſdictions to examine the ſame without loſs of time, and if it ſhall appear upon oath, that the ſaid caſks of butter or tallow, or any of them, were intended for exportation, and that they were not branded as this, and the ſaid former acts require, ſuch mayor, *&c.* ſhall declare and adjudge, without favour or affection, ſuch caſks and the butter and tallow therein contained, to be forfeited, one moiety to the informer, and the other to the poor of the pariſh where ſuch ſeizure ſhall be made.

Officers of the revenue.

XLVI. *ſect.* 8. If any land-waiter or other officer of the revenue, intruſted with the loading or putting on board any butter or tallow, in order to be exported, ſhall permit any caſks of butter or tallow to be ſhipped or loaden on board any ſhip, boat, or veſſel, in order to be exported, unleſs ſuch caſks of butter or tallow have been marked and branded by the weigh-maſter or weigh-maſters purſuant to this, and the ſaid former acts, every ſuch land-waiter, or other officer of the revenue offending therein, ſhall forfeit ten ſhillings for every caſk of butter, and for every caſk of tallow, twenty ſhillings, that ſhall be ſo laden on board any veſſel for exportation contrary to this act.

(2) The ſame to be recovered by civil bill before the juſtice or juſtices at the aſſizes, or before the juſtices of the peace in the county of the city of *Dublin*, and county of *Dublin*, at the quarter ſeſſions of the peace held for the ſaid counties reſpectively, in the ſame manner as civil bills are now uſed.

This act, with the ſeveral alterations and amendments made by Stat. 21 *Geo.* 2. *cap.* 7. *is continued until the* 29*th of September* 1769, *and to the end of the then next ſeſſion of parliament.*

Continuance of acts.

XLVII. *Stat.* 21 *Geo.* 2. *cap.* 7. *ſect.* 9. An act made 8 *Geo.* 1. *cap.* 7. which was continued and amended by an act made 10 *Geo.* 1. *cap.* 9. which ſaid act was explained and amended by another act made 12 *Geo.* 1. *cap.* 5. and by an act made 13 *Geo.* 2. *cap.* 12. the ſaid acts have been amended: the ſaid ſeveral acts with the ſeveral alterations and amendments herein after contained, are continued until the 29th day of September 1769, and to the end of the then next ſeſſion of parliament.

XLVIII. *ſect.*

XLVIII. *ſect.* 10. John Colthurſt, William Fuller, and Joſeph Hoare, eſquires, and the ſurvivors and ſurvivor of them, may be appointed weigh-maſters of the city of Cork, with the like fees payable, and in the ſame manner recoverable, for the trouble and expences they ſhall be at in the execution of the ſaid office, and ſubject to the ſame conditions, regulations, and penalties, as the weigh-maſters of Cork were and are ſubjected to by the ſaid recited acts, and this preſent act, which office ſhall be executed by them, or by the ſurvivors or ſurvivor of them, or their deputies, during the good behaviour of the ſaid Colthurſt, Fuller, and Hoare, *&c.* in the ſeveral publick weigh-houſes in the ſaid city, or in ſuch convenient places as the ſaid weigh-maſters ſhall appoint. Weigh-maſters.

XLIX. *ſect.* 11. Provided, that the ſaid Colthurſt, Fuller, and Hoare, *&c.* or any of them, may upon full proof of the miſbehaviour of them, or any of them reſpectively in their office, either upon full hearing of them, or upon their being duly ſummoned and neglecting to appear, be liable to be removed by the juſtices of aſſize for the Munſter circuit, at the next aſſize to be held for the county of Cork, after ſuch miſbehaviour ſhall be committed, by writing under their hands and ſeals. Miſbehaviour.

(2) Which juſtices of aſſize are authorized to appoint others in the place of any of them ſo removed, with liberty for the ſaid Colthurſt, Fuller, and Hoare, *&c.* or any of them, who ſhall be ſo removed, to appeal to the next going juſtices of aſſize for the Munſter circuit, at the next aſſizes to be held for the ſaid county, which juſtices are required to hear and finally determine ſuch appeal, and to reſtore any of them ſo appealing, if unduly removed, or to remove them, if the complaint be thought juſt, by warrant under their hands and ſeals, and to award reaſonable coſts to the party who ſhall appear to be aggrieved, which ſhall be paid within the time to be appointed by ſuch juſtices, and in default the party againſt whom the ſaid coſts are awarded, ſhall be committed till the ſame are paid. New appointment, reſtoring after removal.

(3) And in caſe the ſaid Colthurſt, Fuller, and Hoare, or any of them ſo appealing ſhall be reſtored by ſuch juſtices to the office of weigh-maſter, the perſons ſo appointed to act in the ſaid office, from the time of ſuch removal, ſhall be accountable to them for the full net profits of the office, and ſhall be conſidered and paid only as deputies to them. Accountable for profits.

L. *ſect.* 12. No perſon ſhall keep any counterfeit brand, mark, or figure, made in imitation of the brand, mark, or figure of the weigh-maſters appointed by this act, or brand or mark any butter or tallow caſk or veſſel with any ſuch counterfeit brand, *&c.* Counterfeit brands.

(2) And the ſaid weigh-maſters or any of them, or their deputies, are authorized at any time of the day, to enter into all ſuch houſes or other places as they ſhall have cauſe to ſuſpect, there to ſearch for ſuch counterfeit brand, mark, or figure, and for all butter, or tallow caſks, or veſſels charged or ſuſpected to be marked therewith. Search.

(3) And every perſon in whoſe cuſtody any ſuch counterfeit brand, *&c.* ſhall be found, ſhall for every ſuch offence forfeit twenty pounds, and every perſon in whoſe cuſtody any butter or tallow caſk, or veſſel, marked with any ſuch counterfeit brand, *&c.* ſhall be found, ſhall in caſe the ſaid weigh-maſters, or any of them, or their deputies, ſhall make oath before the mayor or any juſtice of the peace for the ſaid city, that he or they believe that the ſame was not branded by them, or either of them, or with their brands, *&c.* for every ſuch falſe branded caſk or veſſel, forfeit ten ſhillings, unleſs ſuch perſon, Penalty of twenty pounds.

ſon, in whoſe cuſtody the ſaid veſſel ſhall be ſo found, ſhall prove by oath of one credible witneſs before the ſaid mayor or ſuch juſtice, that the ſame were regularly branded according to law, which forfeitures are to be recovered and applied as herein after directed.

Weigh-houſes. LI. *ſect.* 13. Every caſk packed with butter which ſhall be brought to the ſaid city of Cork, ſhall be carried directly to ſome or one of the publick weigh-houſes by law appointed, and there be tried, weighed, and branded, before the ſame ſhall be lodged in any houſe or other place within the ſaid city or ſuburbs thereof.

Seizing butter. (2) And if any caſk packed with butter ſhall be found lodged in any houſe or other place within the ſaid city or ſuburbs thereof, before the ſame has been carried to one of the ſaid weigh-houſes, to be tried, weighed, and branded as aforeſaid, every ſuch caſk packed with butter, whether the ſame be found branded by a counterfeit brand, or without any brand thereon, ſhall be ſeized by the ſaid weigh-maſters or their deputies, and carried before the mayor of the ſaid city, who ſhall inquire into the ſame.

Forfeiture. (3) And if it ſhall appear on examination or proof, that ſuch caſk was found lodged as aforeſaid, before the ſame had been carried to one of the ſaid weigh-houſes, every ſuch caſk packed with butter ſhall be adjudged forfeited, one moiety thereof to the uſe of the ſeizer, the other to the governors of the work-houſe of the ſaid city, to be applied to the ſupport of foundling children received into the ſaid work-houſe, or any other houſe by them uſed for the reception of ſuch foundling children.

Entry into houſes. LII. *ſect.* 14. The ſaid weigh-maſters, *&c.* and their deputies, being authorized by warrant under the hand and ſeal of the mayor or a juſtice of the peace of the ſaid city, who are required to grant ſuch warrant upon due information on oath, are authorized at any time of the day, to enter into all ſuch houſes or other places within the ſaid city or ſuburbs thereof, where they ſhall have cauſe to ſuſpect ſuch caſks to be, and to ſearch for any caſks packed with butter which ſhall be lodged therein, before the ſame have been carried to one of the ſaid publick weigh-houſes, to be tried, weighed, and branded, purſuant to the direction of this, and the ſaid former acts, and the ſaid caſks to ſeize and put into one of the ſaid weigh-houſes, until they ſhall be diſpoſed of according to this act.

Content of caſks. LIII. *ſect.* 15. It ſhall be lawful for any perſons to make, buy, or ſell, any empty caſks or wooden veſſels for packing butter, or to make up and pack butter in caſks of any dimenſions, provided the ſame do not contain more than two hundred weight of net butter, and the ſaid weigh-maſters, *&c.* or their deputies, are directed to weigh and brand all ſuch caſks and veſſels.

Above two hundred. LIV. *ſect.* 16. No perſons ſhall make, buy, or ſell, any empty caſks for packing butter, or make up or pack butter in any caſks which ſhall contain above two hundred weight of net butter.

Forfeit 10s. (2) And if any perſons ſhall make, buy, or ſell, any empty caſks for packing butter, or make up or pack butter in any caſks above the contents aforeſaid, ſuch perſons reſpectively ſhall forfeit ten ſhillings for every ſuch caſk ſo made, bought, or ſold, or packed with butter contrary to this act, to be recovered and applied as herein before directed.

Brands. LV. *ſect.* 17. It ſhall be lawful for the ſaid weigh-maſters, *&c.* or their deputies, to make uſe of ſuch brand for the branding each caſk, which by law are appointed to be branded, as the ſaid weigh-maſters, *&c.* ſhall think leaſt liable to be counterfeited.

LVI. *ſect.*

LVI. *ſect.* 24. Whenever any caſks of butter or tallow are ſeized, or brought for trial before the mayor of the ſaid city of *Cork*, or are condemned by him, or whenever any diſtreſs ſhall be taken purſuant to this or the ſaid former acts of parliament, no replevin ſhall lie, but the judgment of the ſaid mayor ſhall be final and concluſive. No replevin.

LVII. *ſect.* 25. Any perſons ſued for doing any thing purſuant *to this act*, may plead the general iſſue, *&c.* and if the plaintiffs ſhall be non-ſuited, or judgment be given againſt them by default, or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant have ſhall treble coſts. General iſſue.

LVIII. *ſect.* 28. It ſhall be lawful to ſeize and detain all perſons, and their goods which ſhall be made up, packed, or bought and ſold contrary to this act, for ſuch reaſonable time as they may give notice to the conſtable of the pariſh where ſuch perſons or their goods ſhall be ſo ſeized, who is required to carry ſuch perſons and their goods before the mayor of the ſaid city of Cork, which mayor is required, either upon the confeſſion of the party offending, or due proof by one witneſs upon oath, that the perſon ſo brought before him hath offended contrary to this act, by warrant under his hand and ſeal, to cauſe ſuch penalty as the offenders are liable to, to be levied by diſtreſs and ſale of the offenders goods, rendering the overplus, if any be, to the owners, after deduction of the reaſonable charges for taking the ſaid diſtreſs, to pay one moiety of the ſaid reſpective penalties and forfeitures to the informer, the other to be applied as herein before directed. Seizing perſons and goods.

(2) And in caſe ſuch offenders ſhall not have goods ſufficient to anſwer the ſaid penalties, ſuch offenders, by warrant under the hand and ſeal of the ſaid mayor, ſhall be publickly whipped three market days ſucceſſively through the ſaid city of Cork, between the hours of eleven and twelve in the forenoon. Whipping for want of diſtreſs.

LIX. *Stat. 5 Geo. 3. cap. 15. ſect. 7. Whereas an act paſſed in the tenth year of the reign of king* George *the firſt*, for continuing and amending of the laws in relation to butter and tallow, and the caſks in which ſaid goods are to be made up, *which ſaid act was explained and amended by another act, made in the twelfth year of his late Majeſty's reign*, for explaining and amending an act, for continuing and amending of the laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up; *which ſaid acts have been amended and further continued by ſeveral acts, to the end of the ſeſſion of parliament in the twenty fifth year of the reign of his late Majeſty King* George *the ſecond: and by an act made in this kingdom in the twenty firſt year of his ſaid late Majeſty's reign*, for reviving, continuing, and amending ſeveral temporary ſtatutes; *the ſaid acts have been amended and further continued to the twenty ninth day of* September, *which will be in the year of our Lord one thouſand ſeven hundred and ſixty nine, and from thence to the end of the then next ſeſſion of parliament, which ſaid laſt recited act, made in the twenty firſt year of the reign of his late Majeſty King* George *the ſecond, ſo far as it relates to the continuing and amending the ſaid laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, is found by experience to be extremely uſeful, and therefore fit to be continued with ſuch alterations and amendments, as by this act are made therein*; it is enacted, that the ſaid laſt recited act, ſo far as it relates to the continuing and amending the ſaid laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, with the ſeveral alterations and amendments herein after contained, ſhall be further continued until the twenty ninth day of *September*, which will be in the year of our Lord Recital of the Act 10 G. 1. Explained by the act 12 G. 1. Continued by the act 21 G. 2. Continued to the 29th of September 1791.

one thouſand ſeven hundred and ninety one, and from thence to the end of the next ſeſſion of parliament.

LX. *ſect.* 8. *To the end, that the ſeveral rules, regulations, orders, and directions in this and the acts* 10 G. 1. c. 9. 12 G. 1. c. 5. *and* 21 G. 2. c. 7. *mentioned and contained, may be ſtrictly obſerved, and faithfully and truly executed in the city of Cork, which is a place of great export*, it is enacted, that from and after the end of the next ſeſſion of parliament after the twenty ninth day of September, 1769, Joſeph Hoare eſquire, Henry Sheares eſquire, and Edward Hoare the younger, eſquire, and the ſurvivor of them, may be appointed weigh-maſters of the city of Cork, in the place and ſtead of the preſent weigh-maſters thereof, with the ſame and the like fees payable, and in the ſame manner recoverable for the trouble, charges, and expences which they ſhall be at in the execution of the ſaid offices, and ſubject to the like removal for miſbehaviour, with liberty of appeal, and to the ſame conditions, rules, regulations, orders, directions, and under the ſame penalties as the preſent weigh-maſters of the ſaid city of Cork were and are now liable to by the ſaid laſt mentioned acts.

Appointment of weigh-maſters.

Removal for miſbehaviour.

(2) Which ſaid offices ſhall from and after the end of the next ſeſſion of parliament after the twenty ninth day of September 1769, be executed by the ſaid Joſeph Hoare, Henry Sheares and Edward Hoare, or by the ſurvivors or ſurvivor of them, or their deputies to be by them nominated or appointed, during the good behaviour of the ſaid Joſeph Hoare, Henry Sheares, and Edward Hoare.

Commencement of the office.

LXI. *ſect.* 9. The mayor, ſheriffs, and common council of the city of Cork, in the abſence of the weigh-maſter or weigh-maſters for the time being, from the ſaid city, may, upon full proof of the miſbehaviour of any deputies now appointed, or that ſhall hereafter be appointed by ſuch weigh-maſters, either upon full hearing of them, or upon their being duly ſummoned, and neglecting to appear by writing under their reſpective hands and ſeals, remove ſuch deputies from their offices, and nominate and appoint another, or others to act in their ſtead during the abſence of ſuch weigh maſters from the ſaid city.

Abſence of weigh-maſter.

Removal of deputies.

LXII. *ſect.* 10. The deputy weigh-maſters of the city of Cork ſhall be hereby directed and required to receive all ſuch penalties and forfeitures as by the ſaid laſt recited acts, or any of them, are to go to the governors of the work-houſe of the ſaid city, and to account quarterly, on oath, with the court of aſſiſtants of the ſaid work-houſe, for the ſaid penalties and forfeitures received by them reſpectively, deducting five pounds out of every hundred pounds ſo received, as a recompence for their trouble.

Receiving forfeitures.

Fees for receiving.

LXIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 36. *ſect.* 20. After firſt May, one thouſand ſeven hundred and eighty one the lord mayor of Dublin ſhall, with any five or more truſtees of the royal exchange, appoint annually for each butter crane in ſaid city, county of city or liberties, one or more honeſt and ſkilful perſons as taſter of all butter come to be weighed in ſuch crane, and each of ſaid taſters, before he acts, ſhall be ſworn before lord mayor fairly, juſtly, and impartially to taſte all ſuch butter, as brought to the crane to which appointed, and according to beſt of his judgment, without favour or affection to any, and ſhall mark in legible characters upon the bilge of every caſk the initial letters of his the ſaid taſter or taſters name or names, together with the quality, with a hot iron or ſtamp, according as the ſame ſhall be of firſt, ſecond, third, or inferior quality.

From 1ſt May 1781, lord mayor with 5 exchange truſtees, ſhall appoint annually, taſters for each butter crane, ſworn, to mark on the bilge initials of name, with the quality.

LXIV. *ſect.*

LXIV. *ſect.* 21. If any taſter of butter brand or ſtamp as ſaid firſt, ſecond, third, or inferior quality, any caſk, which ſhall upon inſpection differ in quality from the brand thereon, or any caſk containing butter not anſwerable in ſize and make to deſcription of caſks herein after, it ſhall be lawful for parties aggrieved (whether ſeller or buyer) to cauſe every caſk thereof to be ſurveyed and inſpected by two or more merchants converſant in butter trade; and if it ſhall appear, that the caſks containing the ſame are improperly branded or marked, and not anſwerable to deſcription of the quality, upon complaint before the lord mayor, or one magiſtrate for ſaid city, county of city, or liberties, verified upon oath of the merchant who taſted and examined, it ſhall be lawful to fine ſaid butter taſter offending twenty ſhillings for firſt offence, forty ſhillings the ſecond, to the uſe of the Houſe of Induſtry, and for the third ſaid taſter is unqualified to act as a butter taſter in ſaid city, county of city or liberties, for ever; and it ſhall be lawful for lord mayor, and any four or more truſtees of royal exchange, the lord mayor always one, from time to time to aſcertain the fees to ſaid butter taſters, between ſeller and buyer, and by whom to be paid, or equally; and no other fees ſhall be paid or received for taſting of butter in city of Dublin, county of city or liberties, between ſeller and buyer, but thoſe aſcertained by the lord mayor and any four or more truſtees of royal exchange.

Buyer or ſeller aggrieved, fined 20s. 1ſt offence, 40s. 2d. to houſe of induſtry, 3d. diſabled to act, lord mayor and 4 exchange truſtees (lord mayor one) may aſcertain fees for taſting, and by whom paid,

no other paid or received.

LXV. *ſect.* 22. After firſt May, one thouſand ſeven hundred and eighty one, no butter ſhall be brought into ſaid city, county of city, or liberties for ſale, in other or different caſks or veſſels, than the two denominations herein after mentioned, in tight caſks or veſſels of white oak or aſh, which ſhall not meaſure leſs than ſeven gallons and an half, nor more than eight and an half Wincheſter, each full bound with wooden hoops properly twigged; and in caſks or veſſels of aſh (or of any ſuch timber as heretofore made uſe of for packing butter for ſale for Dublin market) and which laſt mentioned caſks or veſſels ſhall not meaſure leſs than fifteen gallons, or more than ſixteen Wincheſter each.

Caſks of white oak or aſh, not under 7½ gallons, nor above 8½ Wincheſter, full hooped, twigged, and of aſh, or timber as heretofore for ſale for Dublin not under 15 gallons, or above 16 Wincheſter.

LXVI. *ſect.* 23. It ſhall be lawful for lord mayor and truſtees to appoint ſuch mark to denote firſt, ſecond, third quality, and to make ſuch regulations reſpecting mode of hooping ſuch caſks as to them ſeem expedient.

Lord mayor and truſtees, may appoint marks of the quality, & regulate hooping.

LXVII. *ſect.* 24. If any taſter of butter appointed ſhall brand or ſtamp in other caſks than before mentioned, it ſhall be lawful for lord mayor, and five or more truſtees of royal exchange, upon complaint verified by oath, to ſuſpend taſter offending from his office, not leſs than ſix, nor exceeding twelve months, and to diſmiſs him from ſaid office for ever upon being convicted as aforeſaid of a ſecond offence.

Taſter, branding or ſtamping otherwiſe.

LXVIII. *ſect.* 25. Nothing herein ſhall prevent packing up and bringing to ſaid city, county of city, or liberties, butter in bowls, coolers, or crocks, for conſumption of the inhabitants.

Not to prevent bowls, or crocks, for conſumption of the inhabitants.

LXIX. *ſect.* 26. No taſter ſo appointed ſhall continue at ſame crane longer than one week at one time, but ſhall be regularly changed every Monday morning to ſome other, ſo that ſuch taſters ſhall go to each crane in ſaid city, county of city, and liberties.

Taſters changed weekly.

LXX. *ſect.* 27. If any eraſe, counterfeit, or forge any brands, or ſtamps, to be put upon any caſk of butter as aforeſaid, by any taſter ſo appointed, ſuch perſon ſhall forfeit fifty pounds for every ſuch mark, brand or ſtamp, to perſon injured thereby, recoverable in any of courts of law.

Eraſing or forging brand on butter caſk.

LXXI. *ſect.*

On appointment or removal of butter-taſters.

LXXI. *ſect.* 28. Upon appointment or removal of butter-taſters the name ſhall be publiſhed in next Dublin Gazette with the cauſe of removal from ſaid office.

Revenue officers may examine.

LXXII. *ſect.* 29. It ſhall be lawful for officers of revenue to examine upon the quays and wharfs in ſaid city, county of city, and liberties, all butter offered for exportation; and if they find any in different caſks than before deſcribed, it ſhall be lawful to ſeize and lodge the ſame in his Majeſty's ſtores in ſaid city, county of city or liberties, till condemned as a ſeizure, or releaſed according to determination of chief commiſſioners of revenue; and if condemned, to be diſpoſed of as in run or ſmuggled goods is uſual.

Butter in caſks, in 19 & 20 G. 3. c. 36. brought immediately to publick cranes and taſted.

LXXIII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 22. *ſect.* 1. All butter brought into the city of Dublin, county of ſaid city, and liberties adjoining, for ſale, in caſks or veſſels of denominations and deſcriptions in the act nineteenth and twentieth of his Majeſty, ſhall be immediately brought to one of the publick cranes after mentioned, Biſhop-ſtreet, Kevin-ſtreet, Francis-ſtreet, Thomas-ſtreet, Rainſford-ſtreet, and Uſher's quay, there to be taſted by the publick taſter for ſuch crane; and after ſo taſted, marked and branded in legible characters, firſt, ſecond, third, or inferior quality, by ſaid taſter, as provided by ſaid act, and not before, the ſame ſhall be weighed by the publick weigh maſter of ſaid crane or his deputy at a ſtanding beam; for which an allowance of two pounds on each tub and one pound on each firkin, and no more, ſhall be made by weigh-maſter or deputy for beamage; and if ſaid weigh-maſter or deputy ſhall impoſe or attempt to impoſe any other or greater allowance for beamage, ſuch weigh-maſter or deputy ſhall be fined the ſaid ſum of five pounds for every pound weight ſo impoſed or attempted; to be recovered in manner herein after mentioned.

Not to remain in crane above 24 hours after branding, or detained till 6d. a day paid, ſtaves provided by weigh-maſters.

LXXIV. *ſect.* 2. No butter in caſks as aforeſaid ſhall be permitted to remain in ſaid crane any time exceeding twenty four hours after branded as aforeſaid; and if any ſuch butter ſuffered by owner to remain there longer, it ſhall be lawful for ſaid weigh-maſter or deputy to detain every ſuch caſk remaining, until paid by owner ſixpence a day for every caſk which ſhall ſo remain; and ſaid weigh-maſters ſhall provide proper and convenient ſtoves or fire places in their cranes, to which the taſters ſhall have free acceſs at all hours of buſineſs to heat their brands or marking irons.

Oath of weigh-maſters, &c. before lord mayor.

LXXV. *ſect.* 3. All weigh-maſters, their deputies, coopers, clerks, and ſcale porters, appointed to all or any of ſaid publick cranes, ſhall previous to entering into their offices be ſworn before the lord mayor, ſtrictly and impartially to do juſtice in their departments between party and party without favour or affection; and that they, or any of them ſhall not, or will not, nor ſhall any perſon or perſons in truſt for them, or any of them, buy or ſell any butter which ſhall be brought to the crane where they or any of them are, is, or ſhall be employed, on any account or pretence whatſoever, which oath the lord mayor is impowered and required to adminiſter.

Oath by lord mayor and 5 exchange truſtees previous to appointing taſters.

LXXVI. *ſect.* 4. The lord mayor, and any five or more of truſtees of the royal exchange, aſſembled for chooſing or appointing butter taſters, ſhall previous be ſworn not to appoint any as butter taſters, unleſs ſuch as are in their opinion ſkilful and competent judges, and who will act in that office juſtly and impartially without favour or affection to any party or parties concerned; which oath ſaid lord mayor, and any five or more truſtees of ſaid royal exchange aſſembled for purpoſe aforeſaid, are impowered and required

quired to adminiſter to each other; and all ſo choſen and appointed butter taſters ſhall before they enter upon office, take and ſubſcribe the following oath.

Oath by taſters.

I A. B. *do ſwear, that I will taſte all butter that ſhall be brought to the crane to which I ſhall be appointed, and without favour or affection to any perſon or perſons, according to the beſt of my ſkill and judgment, and brand or ſtamp the real and true quality of ſuch butter on the ſide or bilge of each caſk of butter, which I ſhall taſte, in ſuch plain and legible characters as are preſcribed by this act, together with my name in full length; and that I will not on any pretence or account whatſoever, lend my brand or brands to any perſon or perſons whatſoever, or inſpect, brand, mark, or ſtamp any caſk or caſks of butter, but at the crane at which I ſhall be appointed, and there only within the hours preſcribed by the act; and that I will not refuſe or neglect to taſte or give any unneceſſary delay in taſting, marking, or branding the butter of any perſon or perſons at the ſaid crane: and further, if I ſhall know or be informed that any butter taſter or butter taſters within the city of Dublin, county of the ſaid city, and liberties thereunto adjoining, hath or have lent his or their brand or brands to any perſon or perſons, or hath or have taſted, marked, or branded any caſk or caſks of butter, but at the crane or cranes to which they ſhall be ſeverally appointed, or out of the hours preſcribed as aforeſaid, or doing any act, matter, or thing contrary to the duty of a butter taſter, that I will, without delay, in every ſuch caſe, forthwith give notice thereof in writing, ſigned with my name, ſtating the facts, to the lord mayor of the ſaid city of Dublin for the time being; and that I will not take or receive any gratuity or reward of any nature or kind whatſoever from any perſon or perſons for doing my duty as a butter taſter, ſave and except the fees preſcribed by the act herein before mentioned for me, for taſting and branding each and every caſk of butter; and that I will taſte, mark, and brand all butter at ſuch crane as expeditiouſly as poſſible, and each perſon's butter in rotation, and without preference, as I ſhall be applied to.*

So help me God.

Taſters acting improperly.

And if any butter taſters ſhall be convicted of acting partially, corruptly, or improperly in ſaid office, or of taking other or greater fees than one penny on each caſk taſted, marked, or branded, or any other gratuity or reward, ſuch ſhall be diſmiſſed from ſaid office, and for ever rendered incapable of ſerving therein, and ſubject and liable to pains and penalties of the ſeveral laws in force for puniſhment of perſons convicted of wilful and corrupt perjury.

If taſter interrupted or delayed,

LXXVII. *ſect.* 5. If any interrupt, oppoſe, or delay any butter taſter in legal execution of duty, or if any cooper employed in any cranes before mentioned, refuſe to open any caſk when applied to by ſaid taſters, or attempt to carry or convey any caſk after taſted, marked, and branded, without firſt paying to the ſaid taſter fees thereon, every perſon ſo offending ſhall be fined five pounds, to be recovered in manner after mentioned; and the ſeveral fees for taſting butter ſhall be paid to the taſters at time of taſting by the countryman or ſeller, which fees the countryman or ſeller is afterwards to receive from the buyer along with the price, it being the intent, that the ſeller ſhall not be liable to pay ſaid fees, or any part.

fees paid at taſting by ſeller, and received from buyer.

Summons on complaint of branding with different quality, on oath,

LXXVIII *ſect.* 6. If any who ſhall buy or ſell any butter after firſt of June one thouſand ſeven hundred and eighty two, think themſelves aggrieved by ſaid taſters branding any caſk with a quality different from the real quality of butter therein, it ſhall be lawful for lord mayor, or any other magiſtrate of Dublin,

lin, county of ſaid city, or liberties, upon complaint verified by oath of party complaining, to iſſue ſummons to any two merchants, or other perſons of known probity and character, well ſkilled in butter, who ſhall review, taſte, and inſpect ſaid butter, and give in their award in writing to lord mayor or other magiſtrate under their hands, to be teſtified upon their oaths if required by the party complaining, which award ſhall be concluſive upon all parties; and if by ſaid award ſuch taſters ſhall be convicted of wrong branding ſuch caſks with any other brand than as appointed to denote the true quality, ſuch taſters ſhall for the firſt offence be fined forty ſhillings, levied as herein after, and if convicted of a ſecond offence of like nature, be for ever removed from ſaid office; any thing herein to contrary notwithſtanding.

to 2 merchants or perſons ſkilled, award in writing, on oath if required,

concluſive,

if convicted, 1ſt offence 40s.

for 2d removed.

LXXIX. *ſect.* 7. If ſaid lord mayor or magiſtrate refuſe to iſſue ſuch his ſummons within ſix hours after applied to as aforeſaid, ſhall forfeit fifty pounds: one half to his Majeſty, his heirs and ſucceſſors, the other to informer for every ſuch default or refuſal; and if any perſon ſo ſummoned, refuſe or neglect to attend, ſuch perſons, upon conviction ſhall be fined for each offence twenty pounds, to be recovered in manner herein after.

Not iſſuing ſummons in 6 hours, 50l.

not attending 20l.

LXXX. *ſect.* 8. All butter coming in bowls, coolers, and crocks, and all bacon, hung beef, and cheeſe coming to ſaid city, county of city, and liberties adjoining, for conſumption of inhabitants, ſhall be brought to one of ſaid publick cranes, and there weighed, and no where elſe; and on each draft in a ſtanding beam of one hundred weight ſhall be allowed two pounds, and no more, for beamage, and ſo in proportion; and if other or greater allowance made, ſuch weigh maſter or deputy ſhall be fined forty ſhillings for every pound ſo impoſed; and it ſhall be lawful for all weigh-maſters and taſters of any publick crane in Dublin, county of city, or liberties, to ſeize all butter, bacon, hung beef or cheeſe, which they find at any private weigh houſe for purpoſe of weighing privately, and to ſummon the owners before lord mayor of Dublin, for whom it ſhall be lawful upon oath of one or more credible witneſſes, to condemn ſaid butter, bacon, hung beef, or cheeſe, as lawful ſeizure; and the ſame to diſpoſe of, one half of the price thereof to the houſe of induſtry, the other to the perſons ſo ſeizing; if butter in coolers, bowls, or crocks, bacon, hung beef, or cheeſe, remain in any of ſaid cranes after ſold, longer than the day on which ſold, the owners ſhall pay unto the weigh-maſter or deputy, two ſhillings a day for every hundred weight, and ſo in proportion; and it ſhall be lawful for every ſuch weigh-maſter or deputy to detain all ſuch, until paid the ſame.

Butter in bowls, &c. weighed at publick cranes,

2lb. beamage allowed, if more, fined 40s. per lb.

butter, &c in private weigh-houſe ſeized, owners ſummoned before lord mayor, on oath condemned, and diſpoſed of, to houſe of induſtry and ſeizor, remaining in crane after ſale, 2s. a day every 100wt. detained till payment.

LXXXI. *ſect.* 9. Each of cranes before mentioned, ſhall be kept open for buſineſs from firſt of May till firſt of October each year, from five till eleven in morning, and from three till eight in afternoon, and from firſt of October till firſt of May, from eight till three in the afternoon, at which hours ſaid butter taſters ſhall alſo attend; and no weigh-maſter of ſaid publick cranes, or deputy, or his cooper, ſhall exact or impoſe on any countryman or ſeller of butter, any higher or greater fees than herein mentioned; for weighing, engroſſing, and branding a tub of butter, two pence; for opening and heading, three half pence; a new head, five pence; an exchange of a head, three pence; a chine, one penny; a hoop and twiggs, one penny; twigging a hoop, one farthing; and ſhipping, three half pence; for weighing, engroſſing, and branding a firkin of butter, one penny; opening and heading ditto, one penny; a new head for ditto, three pence; an exchange of a head for ditto, three half pence; a chine for ditto, one half penny; a hoop and twigg for ditto, one half

Cranes open from May till October from 5 to 11, and from 3 to 8; from October till May from 8 to 3; taſters to attend; fees preſcribed,

half penny; twigging a hoop for ditto, one half penny; and for ſhipping ditto, one penny and no more; if any weigh-maſter, deputy, or cooper, refuſe to keep his crane open the hours before mentioned, or impoſe or exact, or attempt to impoſe or exact, any other or greater fees than before preſcribed, ſuch weigh-maſter or deputy upon conviction before lord mayor of Dublin, upon oath of one or more credible witneſſes, which lord mayor is impowered and required to adminiſter, ſhall forfeit forty ſhillings; one half for uſe of the houſe of induſtry, the other to perſons making ſuch complaint; and it ſhall be lawful for lord mayor to commit perſons ſo convicted to goal, and there detain in execution, until ſaid forty ſhillings ſhall be fully paid for the uſes herein before mentioned.

not keeping cranes open, exacting other fees, 40s. to houſe of induſtry and complainant,

impriſoned till payment.

LXXXII. *ſect.* 10. It ſhall be lawful for the ſeveral officers of revenue, to inſpect and examine upon the quays and wharfs in ſaid city, county of city, and liberties, all butter offered for exportation by any merchant or perſons exporting; and if they or any diſcover any butter offered for exportation, not duly branded by one of the butter taſters and weigh-maſters, it ſhall be lawful for ſuch officers to ſeize and lodge the ſame in any of his Majeſty's ſtores within ſaid city, county of city, or liberties, there to be kept 'till condemned as a ſeizure, or releaſed according to determinations of chief commiſſioners of revenue; and if condemned, the ſame to be diſpoſed of as in caſes of run or ſmuggled goods is uſual.

Officers may examine butter for export,

if not duly branded, ſeized, and ſtored till condemned or releaſed,

diſpoſed of as run goods.

LXXXIII. *ſect.* 11. It ſhall be lawful for weigh maſters of publick cranes, or deputies, or ſaid butter taſters, or any, to enter in and upon any ware-houſe, yard, cellar, linney, loft, ſhed, or other place within Dublin, county of ſaid city, and liberties, where they ſhall be informed or ſuſpect any butter concealed, not duly branded and weighed, or have juſt cauſe to ſuſpect fraudulently branded with any counterfeit brand or ſtamp, and there to ſearch for ſuch butter caſks and counterfeit brands or ſtamps; and every perſon in whoſe poſſeſſion ſuch falſe or counterfeit brand or ſtamp found, ſhall for every ſuch offence forfeit twenty pounds, to be recovered in any courts of law, for benefit of perſons ſo ſeizing; and every perſon in whoſe cuſtody ſuch butter caſks, not duly branded and weighed, or with any ſuch falſe or counterfeit found, in caſe ſaid weigh-maſters or any, or deputies, or ſaid taſters or any make oath before lord mayor of the number of caſks ſo found, and that he or they verily believe the ſame was not branded or marked by him or any of them, which oath ſaid mayor or other magiſtrate is impowered, directed, and required to adminiſter, for every ſuch caſk not marked or branded as aforeſaid, or with ſuch counterfeit brand or ſtamp, forfeit ten ſhillings, to be recovered and applied as herein after.

Entry on information or ſuſpicion of not duly branded and weighed, or with counterfeit, and ſearch,

if counterfeit found, 20l. to ſeizor.

on oath by weigh-maſter or taſter, 10s. every caſk forfeited.

LXXXIV. *ſect.* 12. It ſhall be lawful for lord mayor or other magiſtrates, upon complaint of any, verified upon oath of ſuch perſons, to iſſue warrant againſt perſons accuſed of offending againſt this act, to bring ſuch before him, and upon conviction, upon oath of one or more credible witneſſes, to adjudge ſuch fine or fines under forty ſhillings, from nature of the offences as preſcribed by this act, againſt ſuch perſons convicted, and the bodies of ſuch perſons to detain in execution until ſuch fines fully paid and diſcharged; one half to the houſe of induſtry, the other to perſons aggrieved by ſuch ſo offending.

On complaint on oath warrant iſſued,

on conviction on oath, fines under 40s.

detained till paid, to houſe of induſtry and perſon aggrieved.

LXXXV. *ſect.* 13. This act ſhall in all courts and places be deemed and taken a publick act, and judicially taken notice of by all judges, juſtices, and courts, without ſpecially pleading the ſame; and if any replevin for any taken purſuant to, and if any ſued for any thing done by virtue of this act, defendants

A publick act,

general iſſue pleaded, and ſpecial matter in evidence, and double coſts on nonſuit, &c.

fendants in ſuch replevin, and perſons ſued may plead the general iſſue, and give this act and ſpecial matter in evidence for; and if plaintiffs diſcontinue or be non-ſuited, or if judgment given againſt them on verdict or demurrer, defendants ſhall recover double coſts of ſuit.

Continued 2 years from 1ſt June 1782, and to end of the next ſeſſion.

LXXXVI. *ſect.* 14. This act, and the ſeveral proviſions herein, ſhall continue and be in force from two years, from firſt of June one thouſand ſeven hundred and eighty two, and from thence to the end of then next ſeſſion, and no longer.

Calendar.

Firſt day of the year.

I. *Brit. Stat.* 24 *Geo.* 2. *cap.* 23. *ſect.* 1. Throughout all his majeſty's dominions in Europe, Aſia, Africa, and America, belonging or ſubject to the crown of Great Britain, the ſupputation, according to which the year of our Lord beginneth on the twenty fifth day of March, ſhall not be made uſe of after the laſt day of December 1751, and the firſt day of January in every year ſhall be accounted to be the firſt day of the year; and each new year ſhall commence from the firſt day of January next preceding the twenty fifth day of March on which ſuch year would, according to the preſent ſupputation have commenced.

Moveable feaſts.

(2) And after the firſt day of January 1752, the days of each month ſhall go on and be reckoned in the ſame order; and the feaſt of Eaſter, and other moveable feaſts thereon depending, ſhall be aſcertained according to the ſame method as they now are, until the ſecond day of September 1752 inclusive; and the natural day next immediately following the ſaid ſecond day of September, ſhall be accounted the fourteenth day of September, omitting for that time only the eleven intermediate nominal days of the common calendar, and the natural days which ſhall follow after the ſaid fourteenth day of September ſhall be numbered forwards in numerical order from the ſaid fourteenth day of September, according to the order now uſed in the preſent calendar.

Dates of writings, terms, elections, fairs, and marts.

(3) And all acts, writings, and inſtruments, publick or private, which ſhall be executed upon or after the firſt day of January 1752, ſhall bear date according to the new method of ſupputation, and the two fixed terms of Saint Hilary and Saint Michael, and the quarter ſeſſions and general ſeſſions of the peace, and all other courts, and all aſſemblies of bodies politick or corporate, either for the election of officers or members, or for officers entering upon the execution of their offices, or for any other purpoſe, which by any law, charter, or uſage are to be holden on any fixed day of any month, or on any day depending upon the beginning or any certain day of any month, except ſuch courts as are uſually holden with any fairs or marts, ſhall, after the ſaid ſecond day of September, be holden upon the ſame nominal days whereon the ſame are now to be holden, but computed according to the new method of numbering the days of the calendar, that is to ſay, eleven days ſooner than the reſpective days whereon the ſame are now holden and kept.

Leap years.

II. *ſect.* 2. The ſeveral years of our Lord one thouſand eight hundred, one thouſand nine hundred, two thouſand one hundred, two thouſand two hundred, two thouſand three hundred, or any other hundredth years of our Lord, except every fourth hundredth, whereof the year of our Lord two thouſand ſhall be the firſt, ſhall not be biſſextile or leap-years, but ſhall be taken to be common years, conſiſting of three hundred and ſixty five days; and the years

two

two thouſand, two thouſand four hundred, two thouſand eight hundred, and every other fourth hundredth year from the ſaid year two thouſand inclusive, and all other years, which by the preſent ſupputation are eſteemed to be biſſextile or leap years, ſhall be years conſiſting of three hundred and ſixty ſix days, as is now uſed with reſpect to every fourth year.

Book of common prayer.

III. *ſect.* 3. The feaſt of Eaſter, or any of the moveable feaſts thereon depending, ſhall, after the ſaid ſecond day of September, be no longer obſerved according to the method of ſupputation now uſed, or the table prefixed to the book of Common Prayer; and the ſaid table, and alſo the column of golden numbers, as they are now prefixed to the reſpective days of the month in the calendar, ſhall be left out in all future editions of the book of Common Prayer, and the new calendar, tables, and rules annexed to this act, ſhall be prefixed in the ſtead thereof.

Holydays and faſt days.

(2) And from the ſecond day of September the fixed feaſt days, holydays, and faſt days which are now obſerved by the church, and the ſolemn days of thankſgiving and of faſting and humiliation, which by any act of parliament now in being are obſerved, ſhall be obſerved on the ſame reſpective nominal days on which the ſame are now obſerved, but which, according to the alteration by this act intended, will happen eleven days ſooner than the ſame now do; and the feaſt of Eaſter, and all other moveable feaſts thereon depending, ſhall be celebrated according to the new calendar, tables, and rules.

Terms, aſſemblies, &c.

(3) And the two moveable terms of Eaſter and Trinity, and all courts, and all aſſemblies of any bodies politick or corporate, and all markets, fairs and marts, and courts thereunto belonging, which by any law, charter, or uſage are to be holden at any moveable times depending upon Eaſter, or any other ſuch moveable feaſt, ſhall after the ſaid ſecond day of September, be holden on ſuch days whereon the ſame ſhall happen according to the falling of Eaſter, or ſuch other moveable feaſts, to be computed according to the new calendar, tables, and rules.

Markets and fairs on fixed days.

IV. *ſect.* 4. And the holding of all markets, fairs and marts which are either fixed to certain nominal days of the month, or depending upon the beginning or any certain day of any month, and all courts incident to ſuch fairs or marts, ſhall not after the ſaid ſecond day of September, be continued upon the nominal days of the month, or the time of the beginning of any month, to be computed according to the new calendar, but ſhall be holden upon the ſame natural days upon which the ſame ſhould have been holden, in caſe this act had not been made, that is to ſay, eleven days later than the ſame would have happened, according to the nominal days of the new ſupputation of time.

Opening or ſhutting up grounds.

V. *ſect.* 5. Nothing in this act contained ſhall extend to accelerate or anticipate the days for the opening, incloſing, or ſhutting up grounds, or the days on which any temporary or diſtinct property or right in any ſuch grounds is to commence, but all ſuch grounds ſhall be opened, incloſed, or ſhut up, and ſuch temporary and diſtinct property and right to ſuch grounds ſhall commence upon the ſame natural days on which the ſame ſhould have been ſo reſpectively opened, incloſed, or ſhut up, or would have commenced in caſe this act had not been made.

Payment of rents, &c.

VI. *ſect.* 6. Nothing in this act ſhall extend to accelerate or anticipate the time of payment of any rents, annuities, or money, which ſhall become payable in conſequence of any uſage, writing or agreement now ſubſiſting, or

which ſhall be made before the ſaid fourteenth day of September, or which ſhall become payable by virtue of the acts of parliament now in force, or which ſhall be made before the ſaid fourteenth day of September, or the time of doing any thing directed or required by any ſuch acts of parliament.

Intereſt of money, &c.

(2) Or to accelerate the payment, or increaſe the intereſt of any money which ſhall become payable, or to accelerate the time of the delivery of any goods or other things, or the time of the commencement or determination of any leaſe, or of any other agreement, or of the accepting or delivering up the poſſeſſion of any lands, or the commencement or determination of any annuity or rent, or of any grant for years, or the time of the attaining the age of one and twenty years, or any other age requiſite by any law or uſage, deed, will or writing, for the doing any act, or for any purpoſe, by any perſons born before the ſaid fourteenth day of September, or the time of the expiration or determination of any apprenticeſhip or other ſervice.

coming of age.

The ſame natural days.

(3) But all rents, annuities, money, and the intereſt thereof, ſhall be payable, and the delivery of goods ſhall be made, and leaſes and agreements ſhall commence and determine, and lands ſhall be accepted, ſurrendered, and delivered up, and rents and annuities and grants ſhall commence and determine at the ſame natural days as the ſame would have happened in caſe this act had not been made; and no further ſum ſhall be payable for the intereſt of any money than ſuch intereſt ſhall amount unto for the true number of natural days for which the principal ſum ſhall continue due.

As if this act had not been made.

(4) And no perſons ſhall be deemed to have attained the age of one and twenty years, or any other ſuch age, or to have compleated the time of any ſervice, until the full number of years and days ſhall be elapſed on which ſuch perſons reſpectively would have attained ſuch age, or would have compleated the time of ſuch ſervice, in caſe this act had not been made.

Bodies politick and corporate.

VII. *Brit. Stat.* 25 *Geo.* 2. *cap.* 30. *ſect.* 1. All bodies politick and corporate, and the officers and members thereof, are hereby required to do all ſuch acts, as by any law, charter, or uſage are appointed to be done on any of the nominal days in the ſaid month of September, which by *Stat.* 24 *Geo.* 2. *cap.* 23. are directed to be dropt or omitted for this preſent year, upon the ſame natural days of this year only, as ſuch acts ought to be done, in caſe the ſaid recited act had not been made; and all acts ſo done, ſhall be as good and effectual, as if the ſame were done on any of the nominal days ſo omitted.

Payments, &c. depending on moveable feaſts.

VIII. *ſect.* 2. From the ſecond day of September 1752, the reſpective times for opening, uſing and ſhutting up lands and grounds, for the paying of rents, or other payments, and for the doing of other things, if ſuch times are depending on any moveable feaſt, ſhall be computed and take place according to the new calendar, and the tables and rules in the ſaid act directed to be uſed, and the temporary and diſtinct property and right of all perſons, bodies politick and corporate, to all ſuch lands, ſhall commence, and all ſuch rents and payments ſhall become due, and all ſuch things ſhall be tranſacted and done accordingly.

No alteration of titles.

IX. *ſect.* 3. Provided that nothing in this act ſhall extend to the abridging, enlarging, confirming, or altering the title of any perſon, body politick or corporate whatſoever to any ſuch lands, but the ſame ſhall continue the ſame in all reſpects, except as to the new computation of time, whe

ſuch

ſuch reſpective right or the enjoyment thereof, ſhall commence or be put in uſe.

Cambrick and Lawn.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 27. No gold or ſilver lace, cambricks or lawns, except manufacture of Great Britain, nor any hops, except growth of Great Britain, or one of the Britiſh colonies in America, or the Weſt Indies, nor any glaſs except from Great Britain, ſhall from twenty fifth December one thouſand ſeven hundred and eighty one be imported in any ſhip or veſſel under penalty of forfeiture of all ſuch, and treble value, and of forfeiture of the ſhip or veſſel in which imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety to his Majeſty, his heirs and ſucceſſors, the other to him or them who ſhall ſeize or ſue by action, bill, plaint, or information in exchequer, wherein no wager of law, protection, eſſoign, or other dilatory plea allowed.

Lace, cambrick, lawn, hops, glaſs imported, forfeited and treble, and the ſhip, &c.

Captainſhip.

I. *Stat.* 11 *Eliz. Seſſ.* 3. *cap.* 7. No earl, baron, or pretenced captain dwelling within ſhire ground, or any of their ſervants or men, ſhall aſſume the authority or name of captain or ruler of any territory, being ſhire ground, except ſuch as ſhall have the ſame by letters patents, nor ſhall as a captain, or by the name or authority of captainſhip, or otherwiſe, take for the finding of them, their horſes, *&c.* or adherents any kind of exaction or ſubſidies.

Exactions or ſubſidies.

(2) Nor ſhall as captain aſſemble together the people of any the ſaid pretenced countries or captainſhips to treat for making of war or peace, roads, journies, granting of ceſſes, finding of men of war, or otherwiſe, nor ſhall as a captain lead the ſaid people to do any acts offenſive or invaſive, without ſpecial authority under the great ſeal, or warrant in writing from the lord deputy or governors of the realm.

Aſſembling people.

(3) Upon pain to every lord that ſhall ſo offend contrary to this ſtatute, for every time that he ſhall ſo offend, of one hundred pounds, and to perſons under the degree of a peer, that ſhall offend as afore, for every time that he ſhall ſo offend, of one hundred marks, the two parts of which forfeiture to be to the Queen, *&c.* and the third part to ſuch as ſhall preſent the offence.

Penalty of one hundred pounds.

(4) And ſuch as ſhall be entitled to the ſaid forfeitures, ſhall have an action of debt for the ſame in any of the Queen's courts, in which action no eſſoign, *&c.* ſhall be allowed, provided that this act ſhall not extend to reſtrain purſuit for goods taken, ſo the ſame purſuit be made within ſeven days after the goods ſo taken.

Action of debt.

Cards and Dice.

I. *Stat.* 3 *Geo.* 2. *cap.* 3. *ſect.* 14. From the twenty fifth day of March, during the term of twenty one years (*See Par.* XVII.) there ſhall be paid unto his Majeſty for all playing cards and dice, which ſhall be made fit for ſale or uſe in this kingdom, or imported, the duties following, (that is to ſay) for every

Duties payable.

every pack of cards made in this kingdom ſix-pence, and for every pack imported twelve-pence, over and above the duties now payable; and for every pair of dice five ſhillings, over and above the duties now payable, which duties ſhall be paid by the makers or importers.

Levied as duties of exciſe.

II. *ſect.* 15. The duties upon cards and dice imported, ſhall be levied and brought into his Majeſty's exchequer, by ſuch means and under ſuch penalties and forfeitures, as any duties of exciſe or new impoſt on goods imported, are by any laws now in force to be levied, with like remedy of appeal.

Not to be made but in Dublin or Cork.

III. *ſect.* 16. No perſon ſhall, during the ſaid term, exerciſe the employment of making cards or dice in any place, but in the cities of Dublin and Cork, or the reſpective liberties thereof; and every perſon who ſhall make cards or dice, except in Dublin or Cork, or within the liberties of them, ſhall for every offence forfeit fifty pounds. *See Par.* XXVI.

Notice of the place.

IV. *ſect.* 17. All makers of playing cards or dice in the ſaid cities, before they begin to make any, ſhall give notice in writing of the place where they make or intend to make the ſame, which notice ſhall be given or ſent to the collector of the port of Dublin, by perſons that intend to make cards or dice in the city of Dublin, or the liberties thereof; and to the collector of the port of Cork, by perſons who intend to make cards or dice in Cork or the liberties thereof.

Penalty.

(2) Upon pain that every perſon making default in giving ſuch notice, for every offence ſhall forfeit fifty pounds; and alſo forfeit the cards and dice, and all materials for making cards and dice which ſhall be found in ſuch place, or which ſhall have been made or manufactured there before ſuch notice given.

Removing materials.

(3) And no materials begun to be wrought for the making of cards or dice, ſhall be removed from the place where the ſame ſhall have been begun to be wrought, until the ſame ſhall have been compleatly worked into cards and dice, or the duties paid, upon pain that every perſon who ſhall remove or permit to be removed any ſuch materials, ſhall forfeit double the amount of the duties on cards or dice which might be made with ſuch materials, one moiety thereof to his Majeſty, and the other moiety to the perſons who ſhall inform or ſue for the ſame.

Entering to take account.

(4) And all ſuch perſons ſhall permit the proper officers appointed for collecting the ſaid duties, in the day-time, to enter any place wherein cards and dice ſhall be making or made, and take an account of the cards and dice there made under the penalty of fifty pounds for every refuſal thereof.

Stamping cards.

(5) And no maker of ſuch cards or dice chargeable with the ſaid duties, ſhall remove or ſuffer the ſame to be removed from the place of making thereof, until ſuch mark upon the dice, and ſuch ſeal or ſtamp upon the paper and thread incloſing every pack of cards, and until ſuch mark on one of the cards of each pack on the painted or ſpotted ſide ſhall be put, as the commiſſioners of his Majeſty's revenue, or any three of them ſhall appoint in writing under their hands, to denote the charging the ſaid duties, upon pain of forfeiting all ſuch cards and dice, and treble the value thereof, as ſhall be removed contrary to this act.

Entry once in fourteen days.

V. *ſect.* 18. The makers of cards or dice during the ſaid term, ſhall once in every fourteen days, make true entry upon oath with the collectors of the ſaid ports of Dublin and Cork reſpectively, or in their abſence before the cuſtomer, comptroller or ſurveyor of the ſaid reſpective ports, of all

all the cards and dice by ſuch makers thereof reſpectively made, within the time for which every entry ought to be made.

(2) And ſhall once within every twenty eight days, clear all duties owing by ſuch maker of cards and dice, by paying the ſame to the collector of the port of Dublin, and the collector of the port of Cork reſpectively, upon pain of forfeiting twenty pounds for every default in making ſuch entry, and double the duty for nonpayment thereof. Clearing duties

VI. *ſect.* 19. Every maker of cards and dice, who ſhall endeavour to defraud his Majeſty by any concealment or undue entry, ſhall for every offence forfeit twenty pounds; and all the penalties and forfeitures impoſed by this act in relation to the duties on cards and dice, ſhall be divided, to wit, one moiety thereof to the King, and the other moiety to ſuch perſons as ſhall firſt ſeize, inform, or ſue for the ſame. Concealments.

VII. *ſect.* 20. The commiſſioners of his Majeſty's revenue, or any three of them, are impowered to appoint in writing under their hands, ſuch mark, ſtamp or ſeal, as they ſhall think fit, to be put upon all dice, and the paper and thread encloſing every pack of cards, and on one of the cards of each pack on the painted or ſpotted ſide thereof, which ſhall be made in this kingdom or imported, to denote the charging the ſaid duties. Appointing ſtamps.

(2) And alſo to appoint a proper perſon in the ports of Dublin and Cork reſpectively, who ſhall have the cuſtody of ſuch ſtamp or ſeal, and ſhall put ſuch mark or ſtamp upon all dice, and ſuch mark or ſeal upon the paper and thread encloſing every pack of cards, and on one of the cards of each pack on the painted or ſpotted ſide thereof, which ſhall be duly entered, and for which the duties impoſed by this act ſhall be paid to the ſaid collectors reſpectively. Stamp-keepers.

(3) And the perſons who ſhall be ſo appointed to mark, ſtamp, and ſeal cards and dice purſuant to this act, ſhall receive during the continuance in the ſaid office in Dublin, the yearly ſum of twenty pounds *(See Par.* XVI.) and in the city of Cork ten pounds, which ſhall be paid them quarterly, by the reſpective collectors of the ſaid ports of Dublin and Cork out of the ſaid duties. Salary to officers.

VIII. *ſect.* 21. The collectors of the ports of Dublin and Cork reſpectively, or in their abſence their reſpective clerks, ſhall, upon the requeſt of the perſons who ſhall duly enter any cards or dice, and pay the duties impoſed thereon by this act, certify in writing under his hand, the number of pairs of dice and packs of cards, which ſhall have been ſo entered, and for which the ſaid duties ſhall have been paid, and alſo the names and places of abode of ſuch perſons who ſhall have made ſuch entries, and paid the ſaid duties. Collector to certify.

(2) Upon the delivery of which certificate to the perſon appointed to keep the ſaid mark, ſtamp, or ſeal, the ſaid perſon ſhall enter the ſaid certificate in a book delivered him by the collectors of Dublin and Cork, to be kept by him for that purpoſe, and afterwards with all convenient ſpeed ſhall mark, ſtamp or ſeal ſuch dice and cards as ſhall be contained in ſuch certificate. Entry in a book.

(3) And the perſon marking, ſtamping or ſealing the ſame, is required to enter under the certificate in the ſaid book, the number of the pairs of dice and packs of cards as he ſhall ſtamp or ſteal purſuant to the ſaid certificate, with the days and times of his ſtamping and ſealing the ſame, till the full number of pairs of dice and packs of cards, which ſhall be contained in ſuch certificate from the collector or his clerk, ſhall be duly ſtamped and ſealed purſuant to this act. Number and times of ſtamping.

(4) Which

Books to be returned.

(4) Which book at the end of every year, or oftener, if required, by the commiſſioners of his Majeſty's revenue, ſhall be returned to the ſaid commiſſioners to be examined by them, or any perſons to be appointed by them.

Neglecting to ſtamp.

IX. *ſect.* 22. If any perſon appointed as aforeſaid to mark, ſtamp or ſeal ſuch cards or dice, ſhall wilfully neglect or refuſe to mark, ſtamp or ſeal the number of pairs of dice, or packs of cards contained in ſuch certificate, the perſon ſo neglecting or refuſing, ſhall forfeit for every ſuch default five pounds, one moiety thereof to his Majeſty, and the other moiety to the perſon injured.

Days for ſtamping.

(2) Provided, that no perſon ſhall be obliged to mark, ſtamp, or ſeal any dice or cards, but on Tueſday or Thurſday in every week (*See Par.* XVI.) and between the hours of nine and twelve at noon, and between the hours of two and four in the afternoon.

Uſing unſtamped cards.

X. *ſect.* 24. During the continuance of the duties hereby impoſed, no playing cards or dice ſhall be ſold, or expoſed to ſale, or played with, which ſhall not be ſealed, marked or ſtamped, as by this act is required, upon pain that every perſon who ſhall, during the continuance of the duties hereby impoſed, ſell or expoſe to ſale, or knowingly play with any ſuch cards or dice which ſhall not be ſealed, marked or ſtamped, as by this act is required, ſhall forfeit for every pack of ſuch cards, and every one of ſuch dice ſo ſold or expoſed to ſale, or played with, ten ſhillings, the one moiety thereof to his Majeſty, and the other moiety to them that ſhall firſt inform or ſue for the ſame.

Counterfeiting ſtamps.

XI. *ſect.* 25. If any perſon ſhall counterfeit any ſeal, ſtamp, or mark, to reſemble any, which in purſuance of this act ſhall be provided, to denote the payment or charging of any duties on cards or dice payable by this act, or ſhall counterfeit or reſemble the impreſſion of the ſame, upon any cards or dice, or any thread and paper enclo ſing any cards, thereby to defraud his Majeſty of any of the ſaid duties, or ſhall utter or ſell any cards or dice with ſuch counterfeit ſeal, ſtamp or mark, knowing the ſame to be counterfeit, or ſhall privately or fraudulently uſe any ſeal, ſtamp or mark, to be provided and uſed in purſuance of this act, relating to the ſaid duties upon cards and dice, ſo as thereby to defraud his Majeſty of any of the ſaid duties, every perſon ſo offending, and being thereof convicted, ſhall be adjudged a felon without the benefit of clergy or of the ſtatute.

Search by officers.

XII. *ſect.* 26. It ſhall be lawful for any officer of his Majeſty's revenue, to enter in the day-time, into any houſe or place where cards or dice ſhall be made, ſold or expoſed to ſale, or ſuſpected to be privately made, or into any publick gaming-houſe or place, and there to ſearch or ſee what quantity of cards and dice ſhall be making, and whether the cards and dice ſold or expoſed to ſale, or uſed in play, be duly ſealed, marked and ſtamped according to this act.

Refuſing entrance.

(2) And if the owner or occupier of any houſe or place where cards and dice ſhall be made, ſold or expoſed to ſale, or of any ſuch publick gaming houſe, ſhall refuſe entrance or liberty of ſearch to ſuch officers, ſuch owner or occupier ſhall, for every ſuch refuſal forfeit ten pounds to be divided as aforeſaid

Bond for duties.

XIII. *ſect.* 27. It ſhall be lawful to remove any cards or dice from the place where the ſame ſhall be made, without ſealing, marking or ſtamping the ſame, or paying the duties impoſed thereon by this act, provided within one month after the ſame ſhall be made, and before the ſame ſhall be removed

moved from the place of the making thereof, a bond be entered into to his Majeſty, with ſufficient ſurety, in a penal ſum of double the duties chargeable on ſuch cards or dice, with a condition for exporting ſuch cards and dice to ſome part beyond the ſeas, within a time to be limited in ſuch bond, and that any of them ſhall not be relanded in any part of Ireland, and that ſuch bond be left in the hands of the collector of the port of Dublin, or of Cork reſpectively, where ſuch cards or dice ſhall be entered for exportation, and a certificate be given by ſuch collector, that ſuch bond is entered into.

Oath of maſter.

(2) And provided the maſter of the veſſel in which ſuch cards or dice are to be exported, ſhall make oath before the collector of the port of Dublin or Cork, where ſuch cards and dice ſhall be ſhipped, that to the beſt of his knowledge and belief, the ſame are not intended to be relanded, and that he will not ſuffer the ſaid cards and dice, or any of them to be relanded in any part of this kingdom, unleſs in caſe of real diſtreſs.

Penalties how recovered.

XIV. *ſect.* 28. All the duties hereby granted on cards and dice, and all pecuniary penalties and forfeitures exceeding ten pounds, and all forfeitures of cards or dice, and the materials for making thereof, impoſed by this act, ſhall be collected in ſuch manner and form as are appointed by an act made *in the fourteenth year of Charles the ſecond, for the ſettling of the exciſe and new impoſt*, or by any other law now in force relating to the exciſe, with the like remedy of appeal.

XV. *ſect.* 29. It ſhall be lawful for any two juſtices of the peace of the county, reſiding near to the place, where any pecuniary forfeitures not exceeding ten pounds, upon this act, touching any of the duties hereby impoſed upon cards and dice, ſhall be incurred, to hear and determine the ſame.

Summons by juſtices.

(2) Which juſtices are required upon complaint, within two calendar months after the offence committed, to ſummon the party accuſed, and the witneſſes on either ſide, and if upon the appearance or contempt of the party accuſed, and examination of the witneſs or witneſſes on oath, he ſhall be convicted of the offence alledged againſt him, to iſſue warrants under their hands and ſeals to any conſtables of the ſaid county, for levying any penalties ſo adjudged on the goods of the offender, and to cauſe ſale to be made thereof in caſe the ſame ſhall not be redeemed within ſix days, rendering to the party the overplus, if any.

Appeal to the ſeſſions.

(3) And if any party ſhall find himſelf aggrieved by the judgment of the ſaid juſtices, they may appeal to the juſtices at the next general quarter ſeſſions for that county, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame, and in caſe of conviction to iſſue warrants for levying the penalties as aforeſaid, and alſo for levying of the goods of the appealants, ſuch ſum not exceeding forty ſhillings, as the ſaid juſtices ſhall appoint for the coſts of ſuch appeal, to be paid to the informer. *Brit. Stat. 9 Ann. cap. 23.*

Days of ſtamping.

XVI. *Stat. 7 Geo. 2. cap. 12. ſect. 1.* Three days in each week, *viz.* Tueſday, Thurſday and Saturday are appointed for ſtamping of cards and dice, and the commiſſioners may grant an additional ſalary to the ſtamp-maſter in Dublin, not exceeding twenty pounds *per annum.*

Continuance of duties.

XVII. *Stat. 23 Geo. 2. cap. 5. ſect. 1.* The duties on cards and dice, which are chargeable by the act *3 Geo. 2. cap. 3.* are further continued for twenty one years from the 25th March 1751.

Levying duties.

XVIII. *ſect.* 2. The duties hereby continued ſhall be levied at the ſame times, in like manner, and by ſuch perſons and methods, as are directed by the ſaid ſtatute, or any other law now in force relating to them.

Recovery of penalties.

XIX. *ſect.* 3. All pecuniary penalties and forfeitures inflicted by the ſaid act, which ſhall incur and ariſe during the ſaid further term of twenty one years, ſhall be recovered and applied in ſuch manner, and the offenders be ſubject to ſuch corporal puniſhment in caſe of non-payment, with like remedy of appeal as by the ſaid act is provided.

Offences made felony.

(2) And if any perſon commit any of the offences by the ſaid act made felony, ſuch perſon being convicted thereof, ſhall be adjudged a felon without benefit of clergy, or of the ſtatute.

Taking off ſtamps.

XX. *Stat.* 25 *Geo.* 2. *cap.* 10. *ſect.* 17. If any perſons ſhall during the continuance of *Stat.* 23 *Geo.* 2. *cap.* 5. fraudulently get off any mark, or ſtamp, in reſpect whereof any duties are denoted to be paid to his Majeſty on playing cards, or ſhall file, ſquare, or new ſpot any dice which have been ſold or played with, or ſhall fraudulently encloſe any pack of playing cards in any outſide paper ſealed and ſtamped purſuant to the ſaid act, the ſame having been once made uſe of for the purpoſe aforeſaid, or in caſe any perſons ſhall ſell or expoſe to ſale any playing cards, which have been before ſold, opened or played with, or not being at the time of ſuch ſelling or expoſing to ſale, actually ſtamped on the ſpotted or painted ſide, and alſo encloſed in paper ſealed, ſtamped, made up and bound with thread, as by *Stat.* 3 *Geo.* 2. *cap.* 3. is directed, every perſon ſo offending ſhall forfeit forty ſhillings.

Complaint to a juſtice.

(2) For the more ſpeedy recovery whereof, it ſhall be lawful for any juſtice of the peace of the county where ſuch offence ſhall be committed, upon complaint made to him within two calendar months, to hear and determine the ſame, and to levy the ſaid penalty to be paid to the informer only for his own uſe, by ſuch ways and means as any two juſtices of the peace are by the ſaid act 3 *Geo.* 2. impowered to hear and determine concerning any pecuniary penalty, not exceeding ten pounds, thereby impoſed, touching any of the duties charged on cards and dice by the ſaid act.

Appeal to the ſeſſions.

XXI. *ſect.* 18. Provided that if any perſon ſhall find himſelf aggrieved by the judgment of any juſtice of the peace, having power to hear and determine any offence againſt this or the ſaid former acts, he or ſhe may appeal to the juſtices at the next general quarter-ſeſſions of the peace for that county, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame, and in caſe of conviction to iſſue warrants to levy the ſaid penalty by ſale of the offenders goods, in manner before mentioned.

No *certiorari*.

(2) And no order or determination given by any one or more juſtices of the peace, or at any general quarter-ſeſſions, by virtue of this or of the ſaid act 3 *Geo.* 2. *cap.* 3 ſhall be removed or ſuperſeded by *certiorari* or other writ.

Appointing perſons to ſearch.

XXII. *ſect.* 19. It ſhall be lawful for the corporation, *(for promoting and carrying on an inland navigation)* eleven or more of them being preſent at any of their general meetings, by inſtrument in writing under their common ſeal, to authorize any perſons to enter into and ſearch in the day-time, any houſe or place where cards or dice are made or expoſed to ſale, or ſuſpected to be privately made, or into any publick gaming-room or place, and there to ſearch and ſee what quantity of cards and dice ſhall be making, and whether the cards and dice expoſed to ſale, or uſed in play, be duly ſealed, marked and ſtamped.

(2) And

(2) And if the owner or occupier of any ſuch houſe or place ſhall refuſe entrance or liberty of ſearch to any perſon ſo appointed, after ſhewing his authority under the ſeal of the ſaid corporation, ſuch owner or occupier ſhall, for every ſuch refuſal, forfeit ten pounds, to be recovered and divided in ſuch manner as is appointed by the act 3 *Geo.* 2. *cap.* 3. for recovering and dividing the penalty of ten pounds; for refuſing the like entrance and liberty of ſearch to any officer of his Majeſty's revenue, provided that no perſon ſhall be liable to the payment of more than ten pounds for any one ſuch offence. Refuſing entrance.

XXIII. *ſect.* 21. Perſons appointed by the commiſſioners of his Majeſty's revenue to ſtamp, mark, or ſeal dice or playing cards in Dublin or Cork, purſuant to the ſaid acts of the third and twenty third years of his preſent Majeſty, ſhall, as often as they ſhall be thereunto required by the ſaid corporation, during the continuance of the laſt mentioned act, tranſmit to the ſaid corporation a true account in writing under their reſpective hands of the number of packs of cards and pairs of dice, which ſhall have been by them reſpectively marked, ſtamped or ſealed, for ſuch times as ſhall be required by the ſaid corporation, diſtinguiſhing the number of ſuch packs of cards and pairs of dice, and the names of the reſpective owners thereof, and the days on which each parcel was marked, ſtamped or ſealed. Accounts to be tranſmitted.

(2) And the reſpective collectors of the ports of Dublin and Cork, ſhall in like manner, and at the times aforeſaid, lay before the ſaid corporation a like account of all monies by them reſpectively received, by virtue of the ſaid acts of the third and twenty third years of his preſent Majeſty, on account of the duties thereby impoſed on playing cards and dice imported into, or made in this kingdom, with the names of the reſpective importers and makers, and the days and times when ſuch duties were paid reſpectively. Receipts of money.

XXIV. *ſect.* 22. The collectors of his Majeſty's revenue ſhall return ſeparate accounts of the duties granted and continued by the ſaid acts of the third and twenty third years of his preſent Majeſty, in their weekly and monthly abſtracts, and in their quarterly accounts; and the examinator of the cuſtoms, and the examinator of the hearth-money, ſhall certify ſeparately ſuch part of the ſaid duties as comes under their reſpective examination, to the accomptant-general, in order to enable him to keep ſeparate accounts of the ſame, which he is required to do. Separate accounts of duties.

XXV. *ſect.* 24. All the clauſes in the ſaid act of the third year of his preſent Majeſty not hereby repealed or varied, ſhall be in full force. *See Tit.* Inland navigation. Statute 3 Geo. 2. in force.

XXVI. *Stat.* 3 *Geo.* 3. *cap.* 11. *ſect.* 6. *Whereas by a former act,* 3 *Geo.* 2. *cap.* 3. *ſect.* 16. *it is enacted, That no perſon ſhall, during the term in the ſaid act mentioned, ſet up, or exerciſe the employment of making cards in any town or place in this kingdom, except in the cities of Dublin and Cork: and whereas ſince the paſſing the ſaid act, paper-mills have been erected in the liberties of the city of Limerick: and whereas it may contribute to the encouragement of the manufacture of paper in the ſaid city, if the like permiſſion be given to make cards in the ſaid city, as in the cities of Dublin and Cork:* It ſhall be lawful for any perſons to ſet up, and exerciſe the employment of making cards in the city of Limerick, or the liberties thereof, upon giving ſuch notice to the collector of the port of the ſaid city, as is required by the ſaid act in the cities of Dublin and Cork; ſubject nevertheleſs to ſuch regulations, reſtrictions and penalties, as in the ſaid act is mentioned, with reſpect to card-makers in the cities of Dublin and Cork. Recital of a former act. Encouragement of the paper manufacture. Notice to the collector.

3 commissioners may grant licenses. for 3 years, made without license forfeited with materials and 100l. seized by officer.

XXVII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 12. *sect.* 68. It shall be lawful for chief commissioners of revenue, or any three, to grant licenses to such persons as they think proper for making of playing, blank, and message cards, for any term not exceeding three years from granting such license; and if any person exercise or carry on the trade or employment of making any playing, blank, or message cards without such license, shall for every such offence forfeit one hundred pounds with all such cards, materials, and implements used in the making of cards, as found in his possession; all which shall be seized, carried away, and lodged in the next office by such revenue officer, as shall discover and find the same.

3 commissioners for Dublin, collectors for Cork and Limerick.

XXVIII. *sect.* 69. It shall be lawful for chief commissioners of revenue, or any three, in the port and district of Dublin, and collectors of Cork and Limerick respectively, from time to time to take recognizances from persons applying for such licenses with one or more sufficient sureties in two hundred pounds, the condition of such recognizances shall be, that the parties so licensed, their executors or administrators, shall answer and pay to his Majesty all such duties, as such persons shall be liable to on account of making any playing, blank, or message cards, during the time such persons carry on the business of a card maker under such license.

On non-payment of duty, or conviction 10l.

XXIX. *sect.* 70. It shall be lawful for said chief commissioners, or any three, upon default in payment of any such duty, as persons so licensed liable to, or upon conviction before the commissioners or sub-commissioners for any fraud or offence, the penalty for which shall amount to ten pounds, during the term for which such licenses granted, by notice in writing, subscribed by any three, to revoke such licenses, and if such persons after shall continue to exercise the business of card making, they shall be subject to such forfeitures, as if such license never granted.

Card makers, &c. shall on request shew officer stock.

XXX. *sect.* 71. Whereas frauds are practised by concealing stock of cards, and conveying without any stamp, entry, or payment of duties: every card maker, his foreman, head servant, or person employed to attend said business, as often as required by officers appointed, shall shew all the stock on hand, and all materials for making, belonging to such card maker, under penalty of ten pounds in case of refusal, to be forfeited by such card maker, and five pounds by the foreman or person employed; and in default of payment of said five pounds, such foreman or other person shall suffer one month's imprisonment; and in case such officers afterwards find any cards or materials, over and above the quantity shewn, such shall be forfeited; and it shall be lawful for such officers to seize and carry away, and such card maker shall forfeit at the rate of twenty pounds for every twelve dozen packs, and of twenty pounds for every twelve dozen sheets of paper materials so found over and above the quantity shewn.

3 commissioners may direct officers to take account of stock found, and on decrease not accounted for to charge duties.

XXXI. *sect.* 72. It shall be lawful for said commissioners, or any three, to appoint such officers of excise, as they think proper, to keep an account of all cards and materials for making from time to time found in possession of card makers; and upon any decrease or deficiency of such stock, not properly accounted for, to charge with all duties payable for such cards not accounted for, and also on so many cards as might be made from or with such materials not accounted for; the said duties to be paid by such card maker upon oath made by such officers before collectors of Dublin, Cork, and Limerick, ascertaining the quantity so deficient and brought to charge.

XXXII. *sect.*

XXXII. *ſect.* 73. If ſuch collector or ſtamp-maſter of cards after proof of ſuch deficiency ſhall allow any entry by, or ſtamp any cards belonging to, ſuch card maker, before they have anſwered or paid all charges on account of ſuch decreaſe, ſaid collector or ſtamp-maſter ſhall forfeit twenty pounds, to be recovered and applied as herein after; any thing herein or in any former act to contrary notwithſtanding. Collector or ſtamp maſter, allowing entry or ſtamping before payment on ſuch decreaſe, forfeit 20l.

XXXIII. *ſect.* 74. As often as card makers ſhall make up cards for exportation, they ſhall within one hour after give notice thereof to ſtamp-maſter of the place where made up, and in preſence of ſaid ſtamp-maſter depoſit ſuch cards in ſome of his Majeſty's ſtore-houſes where made up, there to remain until a certificate from collector of the port produced to ſaid ſtamp maſter, which ſhall import all legal requiſites have been performed. Notice in 1 hour after cards made up for export to ſtamp maſter.

XXXIV. *ſect.* 75. If ſuch card makers remove cards ſo depoſited, or ſuffer the ſame without permiſſion of ſtore-keeper or ſurveyor, they ſhall forfeit fifty pounds. Removing cards ſo depoſited without permiſſion, 50l.

XXXV. *ſect.* 76. Whereas card makers to evade duties keep them without ſtamps under pretence for exportation, and afterwards ſell: any packs of playing cards found in houſe, ſhop, room, or place of card maker, ſhopkeeper or retailer, without being marked, ſealed or ſtamped as required, adjudged forfeited, and may be ſeized and carried away by any officer of revenue; and the card maker, ſhop keeper, or retailer ſhall forfeit twenty pounds, one moiety to his Majeſty, the other to the ſeizing officer, ſued for and applied as herein after. Found unſtamped, ſeized, and 20l. to King and the officer.

XXXVI. *ſect.* 77 Whereas card makers and retailers keep one or more cards out of each pack, and alledge they are waſte: every unſtamped parcel of painted, ſpotted, or playing cards, incloſed in paper covers expoſed to ſale by, or found in the ſhop of, any ſhop keeper or retailer of cards, ſhall to all intents be conſtrued a whole pack within the true meaning of this act, and ſubject ſuch ſhop keeper and retailer to all penalties by this or any other law for ſelling, expoſing, or keeping painted, ſpotted, or playing cards, not ſealed, ſtamped, marked, or made up purſuant to this or any laws now in force. Unſtamped parcel in covers, expoſed to ſale or in ſhops, deemed a whole pack, and retailer ſubject to penalties.

XXXVII. *ſect.* 78. In all caſes where a forfeiture of painted, ſpotted, or playing cards, or utenſils or materials for making, incurred by this or any former law, it ſhall be lawful for officers of revenue, who ſhall detect the fraud or offence, to ſeize and carry away all ſuch cards, lodge in exciſe office neareſt the place of ſeizure, to be kept until diſpoſed of by due courſe of law. On forfeiture by this or former law.

XXXVIII. *ſect.* 79. Whereas by an act twenty-fifth George the ſecond, if any perſon ſhould ſell or expoſe to ſale any playing cards before ſold, opened, or played with, ſo offending ſhould forfeit forty ſhillings: every perſon, hereafter guilty of ſaid offence, ſhall forfeit ten pounds; to be recovered and applied in manner herein after; and cards ſo ſold or expoſed ſhall be forfeited, and it ſhall be lawful for any officer of revenue to ſeize and carry away. 25 G. 2. c. 10. ſ. 17. ineffectual, ſelling cards before ſold, opened or played with penalty 10l. the cards forfeited.

XXXIX. *ſect.* 80. All cards exceeding two packs found in poſſeſſion of any ſhop keeper or retailer of cards, ſhall be deemed expoſed to ſale within the meaning of this act, and every other act whereby card makers, ſhopkeepers and retailers are ſubject to penalties for ſelling or expoſing to ſale painted, ſpotted, and playing cards, not ſtamped, marked, or made up as by law required. Above 2 packs found with retailer, deemed expoſed to ſale and ſubject to forfeitures.

XL. *ſect.*

Found with hawker, pedlar, &c. forfeited.

XL. *ſect.* 81. Playing cards found in poſſeſſion of any hawker, pedlar, petty chapman, or other trading perſon travelling from place to place, ſhall be forfeited; and it ſhall and may be lawful for any officer of revenue to ſeize and lodge ſuch cards in next exciſe office, to be proceeded againſt and diſpoſed of as herein after.

Cards with altered ſtamp ſold within 2 months after intention advertiſed 3 days.

XLI. *ſect.* 82. As often as commiſſioners, or any three, think fit to alter or renew the marks or ſtamps for cards, and the paper incloſing any of them, it ſhall be lawful for all perſons, who at ſuch times have any marked with ſtamps ſo intended to be altered or renewed, within two months after ſuch intention publiſhed in Dublin Gazette for three ſucceſſive days of publication, to ſell or expoſe ſuch cards, and no longer.

Cards and papers incloſing, with old ſtamps, brought in within 2 months, equal number with new ſtamps given duty free.

XLII. *ſect.* 83. If cards with old ſtamps remain unſold, it ſhall be lawful for card-maker, ſhop-keeper, or retailer, within ſaid two months, to bring or ſend ſuch cards and papers incloſing packs with the old ſtamp to the maſters, or to ſuch officers as appointed by commiſſioners, or any three, at their offices in Dublin, Cork, and Limerick; and ſaid ſtamp-maſters and officers are required to mark with the new ſtamps ſuch cards, and ſo many papers incloſing packs, as ſhall be equal in number to the papers ſo brought in; ſuch new ſtamps to be impreſſed and given in lieu of the old, free from payment of any duty or fee whatſoever.

Found after 2 months with old ſtamps forfeited, and ſeized, penalties as if never ſtamped.

XLIII. *ſect.* 84. After ſaid two months any cards with the old ſtamps found in poſſeſſion of card-maker, ſhop-keeper, or retailer, forfeited; and it ſhall be lawful for any officer of revenue to ſeize and carry away, to be proceeded againſt and diſpoſed of as herein after; and the perſons in whoſe poſſeſſion found, liable to all ſuch penalties, as if the ſaid cards or papers containing packs never had been ſtamped.

Card-maker's oath, inſtead of oath 3 G. 2. c. 3.

XLIV. *ſect.* 85. Every card-maker inſtead of the oath in third George the ſecond, ſhall at the times and before the perſons therein, make oath, or if a quaker, ſolemnly affirm in the words following, to wit:

I A. B. *do ſwear, (or if a quaker, do affirm,) that the number of packs of cards now entered by me, is the full amount of the quantity of painted, ſpotted, and playing cards manufactured by me, or for my uſe, from the day of to the time of this my preſent entry, except packs made up by me for exportation, which are now lodged in his Majeſty's ſtores, or have been exported, as the caſe may be.*

False ſwearing.

XLV. *ſect.* 86. If any perſons wilfully, falſely, and corruptly take ſaid oath or affirmation, and be thereof lawfully convicted by verdict, or upon confeſſion, ſo offending ſhall ſuffer ſuch penalties, forfeitures, and diſabilities, as perſons convicted of wilful and corrupt perjury by law liable unto: or if any corruptly procure or ſuborn any other to take ſaid oath or affirmation, and thereof convicted by verdict or upon confeſſion, ſhall for every ſuch offence ſuffer ſuch penalties, forfeitures, and diſabilities, as perſons convicted of perjury or ſubornation are reſpectively by the laws liable unto.

No cards waſte, unleſs every corner cut off, and ſold in parcels not incloſed.

XLVI. *ſect.* 87. No cards deemed waſte, unleſs every corner of each cut off, and unleſs ſold in parcels, without being incloſed in any paper cover; and if any card-maker, ſhop-keeper or retailer ſell, or expoſe as waſte any incloſed in paper covers, or not cut in manner aforeſaid, ſhall be liable to all penalties, and incur all forfeitures, by this or any former law, for ſelling or expoſing painted, ſpotted, or playing cards without ſtamps.

XLVII. *ſect.*

Cards and Dice.

XLVII. *ſect.* 88. It ſhall be lawful for commiſſioners of revenue, or any three or more, from time to time to appoint a fit and proper perſon in the port of Limerick, who ſhall have cuſtody of the marks, ſtamps, or ſeals appointed to be put on cards or papers incloſing packs reſpectively, and ſhall put ſuch mark or ſtamp, as by law required, upon all dice, or ſuch mark or ſeal upon the paper and thread incloſing every pack of cards, and on the painted or ſpotted ſide of one of the cards of each pack, which ſhall be duly entered, and for which the duties duly paid to collector of ſaid port; and the perſon appointed to mark, ſtamp, and ſeal cards and dice, purſuant to this act, ſhall receive during his continuance in ſaid office the yearly ſum of ten pounds, paid quarterly by collector of ſaid port of Limerick out of duties on cards and dice.

Commiſſioners to appoint one in Limerick to keep the marks, ſtamps, or ſeals,

and to put on dice, or cover of every pack, and on one card of each,

ſalary 10l. paid quarterly.

Carriage.

I. *Stat.* 28 *Hen.* 8. *cap.* 22. *ſect.* 7. If any perſons take upon them the carrying or conveying of any wine, goods or merchandizes by land, in cart, wain, or otherwiſe, and do take, or wilfully periſh any caſk or parcel of any ſuch wines, goods or merchandizes to them delivered, to be carried or tranſported to any place of this dominion by land, they ſhall forfeit to the owners of the ſaid wines, goods or merchandizes, as often as they ſhall offend, as much money as they ſhould have for the freight, conveying and carriage of all wines, goods and merchandizes to them at that time delivered to be conveyed or carried either by water or by land, and the treble value of that they take or wilfully periſh of the ſaid wines, goods or merchandizes, and over that to forfeit five pound, the one moiety thereof to the King, and the other moiety to the party that will ſue for the ſame in any of the King's courts by action of debt or otherwiſe, wherein no eſſoign, *&c.* ſhall be allowed.

Taking goods.

II. *ſect.* 8. None of the perſons before named ſhall take or receive any ſums of money, or any other thing for the freight, carriage, or conveying of any merchandizes, but ſuch wages as they in time paſſed have been moſt commonly accuſtomed to receive for the freight and carriage of any ſuch goods or merchandizes, upon pain to the taker as often as he ſhall offend in the ſame, thirteen ſhillings and four pence, the one half thereof to the King, and the other half to the party that will ſue for the ſame in any of the King's courts, or before the King's commiſſioners, by action of debt or otherwiſe, wherein no eſſoign, *&c.* ſhall be allowed.

Accuſtomed wages.

Cars, Carts, &c.

I. *Stat.* 29 *Geo.* 2. *cap.* 13. *ſect.* 1. No cart or waggon, having the felloes of the wheels thereof of a leſs breadth or gauge than ſeven inches when worn, from ſide to ſide, at the ſole or bottom of the wheel, ſhall be drawn with more than one horſe, or beaſt of draught, in or through any of the ſtreets or lanes in the city of Dubſin, or ſuburbs thereof, or liberties thereunto adjoining, or through any of the highways or roads in the county of the ſaid city, or county of Dublin, within ſeven miles of the ſaid city, to be computed from the Thpſel of the ſaid city, and at the rate of two thouſand two hundred and forty yards to the mile.

Breadth of wheels.

(2) And

More than one horſe, &c.

(2) And every owner or driver of ſuch cart or waggon, not having the fellies of the wheels thereof the breadth or gauge of ſeven inches, when worn from ſide to ſide, at the leaſt, at the ſole or bottom of the wheel, with more than one horſe or beaſt of draught, ſhall forfeit all ſuch horſes or beaſts of draught, except the ſhaft-horſe or beaſt of draught in ſuch cart or waggon, with all geers, bridles, halters, and accoutrements, to the ſole uſe and benefit of any perſon who ſhall ſeize and diſtrain the ſame.

Delivering ſeizure.

II. *ſect.* 2. Provided, that whatever perſon ſhall make any ſuch ſeizure or diſtreſs, ſhall deliver the horſes or beaſts of draught, and other things ſo ſeized or diſtrained, with all convenient ſpeed, into the cuſtody of the conſtable, pound-keeper, or ſome other pariſh officer of the ſame, or next adjacent pariſh or liberty where ſuch diſtreſs or ſeizure is made.

Conſtables and pound-keepers.

(2) Which conſtable, pound keeper, or pariſh officer are hereby required to receive into their cuſtody, and ſafely to keep the ſame, upon pain of forfeiting to the perſons ſo ſeizing the ſame, forty ſhillings; to be levied and recovered in ſuch manner as the other penalties by this act are particularly directed and preſcribed to be levied, until the perſons who made ſuch diſtreſs or ſeizure ſhall make proof upon oath before ſome juſtice of the peace, of the offence committed.

Precept by a juſtice.

(3) And the ſaid juſtices before whom ſuch proof is made, are required to iſſue their precept to ſuch conſtable, pound keeper, or pariſh officer, immediately to deliver the horſes or beaſts of draught, and other things ſo forfeited, to the parties who ſeized or diſtrained the ſame, to their ſole benefit, paying ſuch reaſonable charge for keeping and ſecuring the ſame, as the ſaid juſtices ſhall direct.

Obſtructing or reſcuing.

III. *ſect.* 3. If any perſons ſhall hinder or endeavour to obſtruct the taking or carrying off any ſuch ſeizure or diſtreſs, or thing ſo to be ſeized or diſtrained for the aforeſaid offences, or ſhall reſcue the ſame, or ſhall uſe any violence to the perſons concerned in making ſuch ſeizure or diſtreſs; every ſuch perſon ſhall, upon due proof made upon oath, by one credible witneſs before any juſtice of the peace for the county, city, or county of the city where ſuch offence is done, be committed by ſuch juſtice to the common gaol for the ſaid county for one month, without bail or mainprize.

Forfeiture.

(2) And ſhall alſo forfeit for every ſuch offence, ten ſhillings, to the perſons who ſhall be ſo obſtructed, or attempted to be ſo obſtructed, in making ſuch ſeizure or diſtreſs, or in taking or carrying off the ſame, to be levied by diſtreſs and ſale of the offenders goods and chattles, by warrant under the hand and ſeal of ſuch juſtice, who is required to [illegible] the ſame.

Sale of diſtreſs.

(3) And in caſe the ſaid p[illegible]y be not paid within three days after ſuch diſtreſs made, then it ſhall be lawful for the perſons ſo diſtraining, to ſell the goods ſo diſtrained, rendering the overplus to the owners, the charge of ſuch diſtraining and ſelling being firſt deducted.

Recovering penalties.

IV. *ſect.* 4. Every perſon who ſhall offend as aforeſaid, being thereof convicted as aforeſaid, ſhall be ſubject to the reſpective penalties and forfeitures aforeſaid, to be levied and applied in ſuch manner, and to ſuch uſes as aforeſaid, and their horſes, beaſts of draught, with their geers, bridles, and accoutrements, ſhall for ſix days next after ſuch offence, remain liable to ſuch ſeizures and diſtreſſes, and for the uſe of ſuch perſons as they would have been, had they been ſeized or diſtrained in the fact, during the commiſſion of ſuch offence.

V. *ſect.*

V. *ſect.* 5. Provided, that nothing herein contained ſhall extend to prohibit, or reſtrain the driving, travelling, or making uſe of any cart or waggon, or ſubject any perſon to the forfeiture and ſeizure of any horſes, or beaſts of draught, or geers, bridles, or accoutrements belonging to the ſame, or any of the penalties aforeſaid, where ſuch cart or waggon is going or travelling to or from the ſaid city of Dublin, or to or from any diſtant place above ſeven miles from the ſaid city, to be computed as aforeſaid. Diſtant places.

VI. *ſect.* 7. If any action ſhall be brought againſt any perſon for any thing which they ſhall do or cauſe to be done by virtue of this act, the defendants in ſuch action may plead the general iſſue, and give this act and the ſpecial matter in evidence, on any trial to be had in ſuch action, and if the plaintiffs ſhall diſcontinue ſuch action, or become non-ſuit, or if judgment ſhall be given againſt them in ſuch actions, or verdict on demurrer, the defendants in ſuch actions ſhall recover their full coſts of ſuit. General iſſue.

VII. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 37. *And whereas the roads in this kingdom are very much annoyed and damaged by the narrow wheels of cars, carts, and drays, and by the ſtreaks being ſet on ſuch wheels with ſpriggs or high headed nails: for preventing of which,* it is enacted, that from and after the firſt day of November, 1766, every owner or driver of any cart, car, dray, or waggon, the wheels of which ſhall be of leſs breadth or gauge, than three inches at the leaſt from ſide to ſide, at the bottom or ſole, when worn; and when the ſtreaks or iron, with which ſuch wheels are bound, ſhall be ſet on with ſpriggs or high-headed nails, ſhall forfeit a penalty of ten ſhillings, whenever any ſuch car, cart, dray, or waggon ſhall be uſed or drawn on any road in this kingdom, which penalty ſhall be to the perſon ſeizing the ſame. Damage by narrow wheels, breadth of wheels, ſpriggs or high headed nails, penalty of ten ſhillings.

VIII. *ſect.* 38. For recovery whereof, it ſhall be lawful for any perſon to ſeize any ſuch carriage, as alſo any horſe or beaſt of draught in ſuch car, cart, dray, or waggon, with all the harneſs or accoutrements thereto belonging; and with all convenient ſpeed deliver up the ſaid horſe or beaſt of draught, into the cuſtody of the conſtable, pound-keeper or pariſh officer of the ſame, or of the adjacent pariſh or liberty, where ſuch ſeizure ſhall be made, who are hereby required to receive and retain the ſame, for the ſpace of twenty four hours, unleſs ſooner delivered by virtue of a warrant from juſtice of peace of the county where ſuch ſeizure ſhall be made, in manner hereafter directed. Seizure of carriages, &c. Conſtables, &c. to detain ſeizure.

IX. *ſect.* 39. Provided, that the perſon ſo ſeizing ſuch horſe or beaſt of draught, ſhall within twenty four hours make oath before ſome juſtice of the peace of ſuch county; who, being ſatisfied that ſuch offence has been committed, ſhall iſſue his warrant under his hand and ſeal, to the conſtable, pound-keeper, or pariſh officer, in whoſe cuſtody ſuch horſe or beaſt of draught is, requiring him to deliver the ſame unto the perſon named in ſuch warrant, he firſt paying to ſuch conſtable, pound-keeper, or pariſh officer, one ſhilling for each horſe or beaſt of draught, for his care and trouble in detaining the ſame, and upon delivery of ſuch diſtreſs to the perſon named in ſuch warrant, the ſame ſhall be to the ſole uſe of the perſons ſo named in the ſaid warrant. Oath before a juſtice, warrant for delivery.

X. *ſect.* 40. Unleſs the owner of the ſaid beaſts, at the time of ſuch ſeizure, ſhall before the delivery of the ſame, pay to the perſons named in ſuch warrant, the ſum of ten ſhillings: on payment whereof the ſaid conſtable, pound-keeper, or pariſh-officer, ſhall deliver ſuch beaſts, with all their harneſs or accoutrements, to the owners of them, they paying the ſaid Payment by the owner.

conſtable, pound-keeper, or pariſh-officer, one ſhilling for each beaſt for his care and trouble in keeping the ſame.

Obſtructing ſeizure,

XI. *ſect.* 41. And if any perſon ſhall hinder, or with force obſtruct the ſeizing and carrying off any ſuch ſeizure or diſtreſs for the aforeſaid offences, or any of them, or ſhall reſcue the ſame, or ſhall uſe any violence to any perſon concerned in making ſuch ſeizure or diſtreſs, every perſon ſo offending, ſhall, upon due proof made upon oath before any one juſtice of the peace for the county, city or county of the city, where ſuch offence is committed, (which oath ſuch juſtice is hereby impowered and required to adminiſter) forfeit for every ſuch offence forty ſhillings, to the perſon who ſhall be ſo obſtructed in making ſuch ſeizure, or in carrying off the ſame; to be levied by diſtreſs and ſale of the offender's goods and chattles, by warrant of ſuch juſtice of peace under his hand and ſeal.

forfeiture of 40s.

Collector of tolls, &c.

XII. *ſect.* 42. And the ſeveral collectors or receivers of the tolls and cuſtoms in the ſeveral cities, towns-corporate, market-towns, or fairs, or of the ſeveral bridges in this kingdom, for the paſſage over which tolls are paid, are

double tolls,

hereby required to demand and levy from all perſons, double the tolls or cuſtoms they are by the laws now in force, or by uſage, enabled to receive, who ſhall carry any goods liable to pay any ſuch tolls or cuſtoms into or through any city, town-corporate, or market-town, or fairs, or over any ſuch bridge in this kingdom, upon every ſuch car, cart, dray, or waggon, which ſhall

upon narrow wheels, &c.

not have the wheels thereof of the breadth or gauge of three inches at the leaſt, from ſide to ſide at the bottom or ſole when worn, or in caſe the ſtreaks or iron, with which the wheels thereof are bound, ſhall be ſet on with ſpriggs or high-headed nails.

Omitting to take double tolls.

XIII. *ſect.* 43. And if it ſhall appear upon due proof made by one credible witneſs upon oath, before any one juſtice of the peace for the county, city, or county of the city, or town-corporate, where ſuch collectors or receivers ſhall be employed to collect the tolls or cuſtoms (which oath ſuch juſtice is hereby required to adminiſter) that ſuch collector or receiver of the tolls and cuſtoms hath not obliged the owner or driver of any ſuch car, cart, dray, or waggon, to pay ſuch double tolls or cuſtoms for ſuch goods, ſuch collector

penalty of 5l.

or receiver knowingly ſo offending againſt this act, ſhall forfeit five pounds for every ſuch offence; to be levied by diſtreſs and ſale of his goods and chattles, by the warrant of ſuch juſtice of the peace under his hand and ſeal; one moiety whereof to be for the uſe of the informer, and the other for the poor of the pariſh.

Turnpike gate-keepers,

XIV. *ſect.* 44. And the collectors of the tolls of the ſeveral turnpike gates in this kingdom, are hereby required to oblige the owner or driver of every

thirteen pence at every gate,

ſuch car, cart, dray, or waggon, to pay thirteen pence tolls at each and every turnpike gate, which if ſuch gate-keeper ſhall neglect to do, it ſhall be lawful for any juſtice of the peace of the county, in which ſuch turnpike gate is, by warrant under his hand and ſeal, to order any ſum not exceeding

penalty 20s.

twenty ſhillings, to be levied off the goods and chattles of ſuch gate-keeper, for every ſuch offence, on due proof being made thereof by one credible witneſs upon oath before ſuch juſtice, (which oath ſuch juſtice is hereby impowered to adminiſter.)

Waggons, &c. with nine inch-wheels.

XV. *ſect.* 45. The owner or driver of any waggon, wain, cart, or carriage, with wheels, the breadth thereof being nine inches at the ſole or bottom thereof, and the ſtreaks thereof being ſet on with flat-headed nails, and placed at ſuch a diſtance from each other, that the ſpace between the middle of the one

track

track made by ſuch wheels on the road, and the middle of the other track ſhall be four feet ten inches, ſhall not be obliged to pay more than ſix pence toll for any ſuch waggon, wain, cart, or carriage with four wheels, or more than three pence for any ſuch waggon, wain, cart, or carriage with two wheels, on any turnpike road in this kingdom. Six pence turnpike, &c.

Cattle.

I. *Stat.* 2 *Ann. cap.* 15. *ſect.* 5. No perſon who ſhall buy cattle or ſheep in any market or fair in this kingdom, ſhall ſell or expoſe the ſame cattle or ſheep to ſale again in the ſame market or fair, on the ſame day, on pain of forfeiting the full value of all ſuch cattle or ſheep ſo ſold or expoſed to ſale contrary to this ſtatute; the one moiety of which forfeiture to be to the Queen, *&c.* the other moiety to them who will ſue for the ſame. Selling in the ſame fair.

II. *ſect.* 6. If any perſons in any market or fair, or elſewhere, do give or ſtrike earneſt for any beaſt or parcel of cattle or ſheep, if the perſon that offers to ſale the ſaid cattle, do not after the ſtriking and receiving the ſaid earneſt, declare that it is a bargain, and that he is content to keep the earneſt, it ſhall be lawful for ſuch perſon to ſell the ſame to any other perſon, notwithſtanding ſuch earneſt remaining in his hands. Declaring a bargain.

(2) And no maſter or wardens of any corporation or fraternity of butchers, ſhall by virtue of any bye law of their corporation or fraternity, puniſh or fine any freeman or other perſon for buying or ſelling any ſuch beaſt, cattle, or ſheep, where earneſt was laid down, and was declared to be agreed to, and accepted as earneſt. Bye laws.

(3) And no magiſtrate or juſtice of the peace, ſhall order or adjudge the ſeller of any ſuch cattle, to ſtand to any bargain to which he did not declare ſuch his aſſent after earneſt ſtruck or laid in his hands as aforeſaid, on pain to forfeit five pounds for every ſuch offence; the one half of this penalty to be to her Majeſty, *&c.* the other half to them that ſhall ſue for the ſame. Aſſent after earneſt.

III. *ſect.* 12. No perſon that ſells any beaſts, ſheep, lambs, hogs, or any other ſort of cattle in Smithfield market, or in any other market or fair, ſhall be obliged to wait for the buyer of ſuch cattle above two hours after ſuch earneſt given. Waiting for buyers.

(2) And in caſe the buyer does not come and pay down the full price agreed for, and receive the cattle ſold him, within two hours after ſuch bargain made and earneſt given, the buyer ſhall forfeit the earneſt he ſo gave, and it ſhall be lawful for the ſeller of ſuch cattle to ſell the ſaid cattle to any other perſon, and to keep the aforeſaid earneſt. Forfeiting earneſt.

(3) And where the ſeller of ſuch beaſt or cattle, ſhall not by reaſon of the earneſt given, and bargain made as aforeſaid, ſell ſuch beaſt or cattle to any other perſon in the ſaid market, every perſon ſo contracting to ſell, may by action on the caſe, recover his damages for the loſs of his market, and ſuch other loſs as he ſhall ſuſtain thereby, with his full coſts of ſuit. Damages and coſts.

IV. *ſect.* 13. It ſhall be lawful for the juſtices of the peace of the ſeveral counties, at their reſpective quarter-ſeſſions, to hear and determine all the offences aforeſaid, and upon the convictions of ſuch offenders before them, to make extracts of the one moiety of the ſaid forfeitures into the exchequer, as had been uſed to be done in caſe of other fines and amercements, forfeited to her Majeſty in the ſeſſions of the peace, and to award and iſſue forth execution Quarter ſeſſions.

for the other moiety due by this act to the informer or profecutor, by *capias* or *fieri facias* out of the ſaid court of ſeſſions, in ſuch ſort as the Queen's bench at Dublin have in ſuch caſes uſed to do.

Proſecution in ſix months.

V. *ſect.* 14. Provided, that no perſon ſhall be ſued for any offence againſt this act, unleſs ſuch proſecution ſhall be begun within ſix calendar months next after the offence committed.

Vexatious ſuits.

VI. *ſect.* 15. If upon any proſecution grounded upon this act, it ſhall appear to the judges or juſtices of the peace before whom ſuch information ſhall be preſented, that ſuch information or proſecution was promoted only for vexation, and without any reaſonable cauſe, the ſaid judges or juſtices of the peace ſhall award the party ſo unjuſtly proſecuted treble coſts, occaſioned by ſuch vexatious proſecution, the ſame to be recovered by *capias* or *fieri facias*.

Anſwering bills.

VII. *ſect.* 16. If any Engliſh information or bill ſhall be brought againſt any perſon offending contrary to this act, ſuch perſons ſhall put in their anſwers to ſuch information or bill on their corporal oaths; and no plea or demurrer unto ſuch information ſhall be allowed, in reſpect of the penalty of this act, which ſuch anſwers may ſubject ſuch perſons unto.

General iſſue.

VIII. *ſect.* 17. If any ſuit ſhall be proſecuted againſt any perſons for whatever they ſhall do in purſuance of this act, ſuch perſons may plead the general iſſue, and if the proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer a diſcontinuance, or if a verdict ſhall paſs againſt him, the defendants ſhall recover their treble coſts. *This act is made perpetual by* Stat. 9 Ann. cap. 7.

Maiming or houghing.

IX. *Stat.* 9 *Ann. cap.* 11. *ſect.* 1. Where any cattle ſhall be maimed, houghed or otherwiſe deſtroyed, within any of the baronies of Muckillin and Ballinahinch, and the half barony of Roſs in the county of Galway, part of a territory commonly called the territory of Ereconnought, the inhabitants of ſuch barony and franchiſe, or the precincts thereof, ſhall make ſatisfaction for the ſame, and not the inhabitants of the county at large, though the value of the ſaid cattle ſhall exceed ten pounds, in ſuch manner, and with ſuch diſtinctions and directions as in the act made *in the ſeventh year of King William, cap.* 21. and in one other act made in the ſame ſeſſions 9 *Will.* 3. *cap.* 34. *to ſupply the defects and for the better execution of an act for the better ſuppreſſing tories and rapparees, &c.* is expreſt. *See Tit.* **Robbery.**

Offences felony.

X. *ſect.* 2. If any perſon ſhall maliciouſly and willingly maim, kill or deſtroy any horſes, ſheep, cows, or other cattle, every ſuch offence ſhall be adjudged felony, provided nothing herein contained ſhall extend to the gelding ſtone-horſes going at large.

Death without clergy.

XI. *Stat.* 2 *Geo.* 1. *cap.* 22. *ſect.* 1. Where any perſon ſhall be convicted of malicious and wilful maiming, killing, or deſtroying any horſes, ſheep, cows, or other cattle, according to *Stat.* 9 *Ann. cap.* 11. *to prevent the maiming of cattle*, ſuch perſons duly convicted, ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Reward to diſcoverers.

XII. *ſect.* 2. It ſhall be lawful for the grand juries of the reſpective counties, by preſentment, to raiſe as other county charges are raiſed, any ſums, not exceeding ten pounds for any one perſon, to be paid as a reward to any perſon who ſhall diſcover any offender guilty of malicious maiming, killing or deſtroying

deſtroying any horſes, ſheep, cows, or other cattle, contrary to the before recited act.

(2) Which ſums of money when ſo raiſed, ſhall be paid to ſuch diſcoverer and proſecutor, in ſuch proportion as the grand jury ſhall in their reſpective preſentment preſcribe, after the conviction of ſuch offenders, and not otherwiſe. Payment after conviction.

XIII. *Stat.* 17 *Geo.* 2. *cap.* 5. *ſect.* 1. Every perſon who ſhall kill, cut open, or ſkin any bull, ox, cow, ſteer, bullock, heifer, calf, ſheep, or lamb, or any horſe, mare, gelding, colt, filly, aſs, or mule, with an intent to ſteal the whole or any part of the fat, fleſh, ſkin or carcaſe thereof, or ſhall thereout take the fat, or take away any part of the fleſh or carcaſe or ſkin thereof, with an intent to ſteal the ſame, or ſhall maliciouſly kill, maim, or wound, with an intent to deſtroy, any one or more of the cattle aforeſaid, and their acceſſaries before the fact, and every perſon who ſhall receive or buy any tallow, fat, or ſuet, or the ſkin or carcaſe, or any part thereof, of any ſuch cattle from ſuch offenders, knowing the ſame to be ſo unlawfully taken, thereof convicted, ſhall ſuffer death as in caſes of felony, without benefit of clergy or of any ſtatute. Stealing fat, fleſh, &c. Felony without clergy.

XIV. *ſect.* 2. It ſhall be lawful for the grand juries of the reſpective counties at the aſſizes, and for the grand juries of the county of Dublin, and county of the city of Dublin, at their quarter ſeſſions, to raiſe by preſentment, as other county charges are raiſed, ſuch ſums as they ſhall think fit, not exceeding five pounds for each offender convicted of any the offences aforeſaid, to be paid as a reward to any perſons who ſhall diſcover and proſecute to conviction any ſuch offender. Reward for each offender.

(2) And in caſe there ſhall be two or more concerned in the diſcovery, *&c.* the juſtices before whom ſuch offenders ſhall be tried and convicted, may apportion ſuch money amongſt ſuch diſcoverers, or proſecutors, in ſuch ſhares as they ſhall think fit. Apportioning rewards.

XV. *ſect.* 3. If any perſons who ſhall be guilty of any the offences aforeſaid, ſhall within ten days after ſuch offence committed, and before his or her conviction, firſt diſcover one or more of his or her accomplices therein, ſo as ſuch accomplice or accomplices be convicted of ſuch offence, the offender ſo firſt diſcovering, ſhall be clearly acquitted and diſcharged of ſuch offence, and ſhall be entitled to the reward, or ſuch ſhare thereof, as any other diſcoverer might be intitled unto by this act. (*Brit. Stat.* 14 *Geo.* 2. *cap.* 6. *&* 15 *Geo.* 2. *cap.* 34.) Accomplices acquitted.

XVI. *Stat.* 29 *Geo.* 2. *cap.* 12 *ſect.* 3. If any perſon ſhall be procuring, aiding or aſſiſting in the wilful or malicious killing, maiming, or houghing any horſes, horned cattle, or ſheep, every perſon ſo offending, being lawfully convicted, ſhall be adjudged guilty of felony without benefit of clergy. Acceſſaries in offences.

XVII. *ſect.* 5. The inhabitants of every barony, as well proteſtants as papiſts, ſhall make full ſatisfaction to every perſon, their executors and adminiſtrators, for the damage which they ſhall have ſuſtained or ſuffered by killing, houghing, or maiming any horſes, horned cattle, or ſheep, in ſuch barony. Satisfaction for damage.

(2) And every perſon who ſhall ſuſtain damages by any of the felonies aforeſaid, is hereby enabled to ſue for and recover ſuch their damages, the ſum Barony liable.

ſum to be recovered not exceeding fifty pounds againſt any one or more of the inhabitants of the ſaid barony, who by this act ſhall be made liable to anſwer all or any part thereof.

Rateable contribution.

(3) And if ſuch perſons ſhall recover and obtain execution againſt any ſuch inhabitants, all other the inhabitants of the barony, who by this act ſhall be liable to the ſaid damages, ſhall be rateably taxed towards an equal contribution for the relief of ſuch inhabitants, againſt whom ſuch execution ſhall be had and levied; which tax ſhall be made and raiſed by ſuch means, and in ſuch manner as has been heretofore uſed for the levying and raiſing money.

Information in two days.

XVIII. *ſect.* 6. Provided, that no perſon ſhall be enabled to recover any damages by virtue of this act, unleſs they, by themſelves, or by their ſervants, within two days after ſuch damages or injury done them by any ſuch felony as aforeſaid, ſhall give notice of ſuch felony committed unto ſome of the inhabitants of ſome town, village or hamlet in the barony near unto the place where any fact ſhall be committed.

Notice in four days.

(2) And ſhall within four days after ſuch notice, give notice to the high-conſtable of the ſaid barony of the ſaid offence; and ſhall alſo give in their examination upon oath, or the examination upon oath of their ſervant or ſervants that had the care of their cattle, before ſome juſtice of the peace of the county where ſuch fact ſhall be committed, inhabiting within the ſaid barony where the ſaid fact ſhall happen to be committed, or near unto the ſame, whether they do know the perſons who committed the ſaid fact, or any of them.

Recognizance.

(3) And in ſuch caſe, ſuch examinants ſhall be bound by recognizance to proſecute ſuch offenders by indictment, or otherwiſe, according to law.

Conviction of offenders.

XIX. *ſect.* 7. Provided alſo, that when any felony ſhall be committed againſt this act, and any one of the offenders ſhall be apprehended and lawfully convicted of ſuch felony at the next aſſizes to be held for the county where ſuch felony was committed, no barony nor any inhabitant thereof, ſhall in any wiſe be ſubject to make any ſatisfaction for the damages he ſhall have thereby ſuſtained.

Reward to diſcoverers.

XX. *ſect.* 8. Any perſon who ſhall diſcover and proſecute to conviction any ſuch felon, ſhall be intitled to a reward of ten pounds, to be recovered as aforeſaid, againſt the inhabitants of the barony in which ſuch felony ſhall be committed.

Pardon for felonies.

(2) And if ſuch diſcoverer and proſecutor be a party concerned in ſuch felony, he ſhall not only be intitled to the ſaid reward of ten pounds, but be intitled to his pardon for any felony before that time, by him or her committed againſt this act.

Meeting by night.

XXI. *Stat.* 5 *Geo.* 3. *cap.* 8. *ſect.* 1. If any perſons, to the number of five or more, ſhall meet and go by night, and ſhall wilfully or maliciouſly deſtroy or injure the property of any perſon, by killing, maiming or worrying their cattle, every perſon ſo offending, and being thereof found guilty, ſhall ſuffer death, as in caſes of felony without benefit of clergy.

Felony in the day-time.

XXII. *ſect.* 2. And if any perſons ſhall aſſemble in number as above, and ſhall commit any of the above offences in the day-time, they ſo offending, ſhall on conviction thereof, be deemed to be guilty of felony, and every ſuch felon ſhall be ſubject and liable to the like pains and penalties

nalties as in caſes of felony; and the court before whom ſuch perſons ſhall be tried, ſhall have power to tranſport ſuch felons, in like manner as other felons are directed to be tranſported by the laws of this kingdom.

XXIII. *ſect.* 3. *And whereas it may tend to diſcourage, and in ſome meaſure prevent the perpetrating the aboveMentioned offences, if the damage done by them on ſuch occaſions was recovered off the county or barony wherein the ſame was committed, before the conviction of the offenders: and in order to prevents ſuch evils, and for the more effectual diſcovery and apprehending of ſuch offenders,* it is enacted, that upon ſuch notice given to the high conſtable of the barony where the offence ſhall be committed, as in the caſe of robbery petitions, that if the inhabitants of the adjoining towns, neighbourhood, or barony wherein ſuch offence ſhall be committed, ſhall not apprehend, or cauſe or procure to be apprehended, the ſaid offenders, or ſome or one of them, or ſhall not diſcover to a juſtice of the peace, and give an examination againſt one or more of them before the aſſizes next after ſuch offence ſhall be committed, the perſons ſo injured ſhall be intitled to have and recover ſatisfaction for any loſs they ſhall have ſo ſuſtained, to be preſented, raiſed, and levied upon the county at large, or upon any barony of the county, at the diſcretion of the grand jury, by ſuch ways and means as other publick money may be preſented, levied, and raiſed, by the laws now in force in this kingdom.

Diſcouraging offences;

notice to the high-conſtable,

ſatisfaction for loſſes.

XXIV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 24. *ſect.* 1. If any perſons, hired or employed to drive any cattle within Dublin or the liberties, ſhall by negligence or ill uſage in driving, be the means that any miſchief ſhall be done by ſuch cattle, or by any one or more committed to their care; or if any drivers of cattle within the limits aforeſaid ſhall in any wiſe miſbehave in the driving, care, or management of any ſuch cattle, by improper driving, treating, or uſing ſuch cattle, it ſhall be lawful for any conſtable or peace officer upon view or information of any perſons, (who ſhall declare their names, and places of abode, to ſaid conſtable or peace officer) to ſeize and ſecure, and without any other warrant to convey ſuch offenders before ſome juſtice of peace of Dublin or liberties; and parties accuſed being brought before ſuch juſtice within whoſe juriſdiction the offence committed, ſuch juſtice ſhall proceed to examine upon oath any witneſſes, who ſhall appear, or be produced to give information touching ſuch offence; (which oath the ſaid juſtice is required to adminiſter) and parties accuſed convicted of any ſuch offence, either by confeſſion, or upon ſuch information, ſhall forfeit any ſum not exceeding twenty ſhillings, nor leſs than five ſhillings, to the perſons who ſhall proſecute to conviction any ſuch offenders; and if perſons ſo convicted refuſe, or not able forthwith to pay, every ſuch offender ſhall, by warrant under hand and ſeal of ſome juſtice within whoſe juriſdiction convicted, be committed to houſe of correction, or ſome other priſon within Dublin, or liberties, within which the offence committed, or the offender apprehended, to be kept to hard labour for any time not exceeding one month, or ſhall be publickly whipped, as ſuch juſtice ſhall think fit and order.

Miſchief or miſbehaviour by drivers of cattle.

XXV. *ſect.* 2. In caſe perſons giving ſuch information neglect, or refuſe to attend, without lawful excuſe, allowed by the juſtice, ſuch conſtable or officer within ſix hours from ſuch information, he, ſhe, or they, ſo offending ſhall, upon proof on oath of ſuch conſtable or officer, that ſuch perſon having given ſuch information (which oath ſaid juſtice is required to adminiſter) ſhall forfeit any ſum not exceeding forty ſhillings, nor leſs than ten ſhillings, to

Informer not attending in 6 hours.

to ſuch conſtable or officer; and if not forthwith paid, levied by diſtreſs and ſale of offender's goods and chattles, by warrant under hand and ſeal of ſuch juſtice.

Rules by mayor and aldermen.

XXVI. *ſect.* 3. The court of mayor and aldermen of Dublin ſhall have full power to make, frame, and ſet down in writing, ſuch reaſonable rules, orders, or ordinances for governing and regulating all perſons, who ſhall drive any cattle, ſheep, calves, or lambs within Dublin and liberties, and to annex ſuch reaſonable penalties and forfeitures for breach, not exceeding forty ſhillings, nor leſs than five ſhillings, for any one offence; and ſuch rules, orders, and ordinances, or any of them, from time to time to amend.

Time of market.

XXVII. *ſect.* 4. Nothing in this act ſhall impower ſaid court of mayor and aldermen to ſhorten or abridge the time for keeping the ſaid market open; but that the ſame ſhall be kept open from 12 at night till 3 in the afternoon on the ſeveral market-days, and at no other hours; unleſs ſaid court of mayor and aldermen enlarge the time for keeping it open.

One juſtice may ſummarily determine offences,

XXVIII. *ſect.* 5. Any one juſtice of peace of the city of Dublin, or liberties, within whoſe juriſdictions any offence committed, ſhall have power to hear and determine in a ſummary way complaints of offences contrary to rules, orders, or ordinances at any time hereafter made by ſaid court of mayor and aldermen, in purſuance of this act; and ſaid juſtice or juſtices, and each of them within their reſpective juriſdictions, are required upon view, or complaint on oath of any ſuch offence within their juriſdictions, contrary to ſuch rules, orders, or ordinances, within ſix days after, to iſſue warrant under hand and ſeal to ſuch conſtables, or peace officers, as ſaid juſtices or any one from time to time think fit, requiring to apprehend ſuch offenders, and bring before ſaid juſtices or any one within their juriſdictions, to anſwer the complaint in ſuch warrants; and if ſuch offenders convicted, either by confeſſion, or oath of one or more credible witneſſes, (which oath ſuch juſtices or any one are required to adminiſter) it ſhall be lawful for ſuch juſtices or any one to impoſe a fine for ſaid offence, not exceeding the penalty inflicted by ſaid rules, orders, and ordinances; and if perſons ſo convicted neglect or refuſe forthwith to pay penalty impoſed, it ſhall be lawful for ſuch juſtices or one of them, in their juriſdictions, immediately to commit to the houſe of correction, or other priſon, within the juriſdiction, to be kept to hard labour not exceeding one month, unleſs penalty or forfeiture ſooner paid; all which penalties and forfeitures ſhall be paid to the perſon, who ſhall inform and proſecute to conviction any ſuch offender.

fined on conviction,

committed 1 month, unleſs ſooner paid.

penalties to proſecutor.

Not diſcloſing name and abode, committed 1 month or until diſcloſed.

XXIX. *ſect.* 6. If any perſon, apprehended for any offence againſt this act, refuſe to diſcover his name and place of abode to the juſtice before whom brought, he ſhall immediately be delivered over to a conſtable or peace officer, and by him conveyed to the common gaol, or houſe of correction of the county or place where offence committed, or the offender apprehended, to remain for one month, or until he ſhall declare his name and place of abode to ſaid juſtice, or ſome other juſtice of peace for ſaid county or place.

Printed abſtracts poſted in 14 days after making rules.

XXX. *ſect.* 7. An abſtract of the ſeveral proviſions and penalties in this act, and all ſuch rules, orders, and ordinances, ſo made from time to time by ſaid court of mayor and aldermen, ſhall, within fourteen days after making be printed and fixed upon ſuch moſt conſpicuous places within Dublin and liberties in ſuch manner as the court think proper, and from time to time order.

XXXI. *ſect.*

XXXI. *ſect.* 8. In caſe any perſon, againſt whom a warrant iſſued by any juſtice, either before or after conviction for any offence againſt this act, or againſt ſuch rules, orders, and ordinances hereafter made, ſhall eſcape, go into, reſide, or be in any other county, city, liberty, town, or place out of the juriſdiction of the perſon granting ſuch warrant; and if goods and chattles of any offender, convicted in purſuance of this act, ſhall be in a different county, city, liberty, town, or place, than where the ſaid party was convicted, or the warrant of diſtreſs granted, it ſhall be lawful for any juſtice for the county, city, liberty, town, or place, than where the ſaid party was convicted, or warrant of diſtreſs granted, for any juſtice of the county, city, liberty, town, or place, into which ſuch perſon ſhall eſcape, either before or after conviction, or where his goods or chattles ſhall be after ſuch conviction; and they and every of them are required within their juriſdictions, upon proof upon oath of hand-writing of ſaid juſtice granting ſuch warrant, to indorſe his name on ſuch warrant; and the ſame when ſo indorſed, ſhall be ſufficient authority to all peace officers to execute ſuch warrant in ſuch other county, city, liberty, town, or place out of the juriſdiction of the perſon granting ſaid warrant; and the ſaid juſtices, reſpectively, or any one, as the caſe ſhall happen, after indorſing ſaid warrant, may, on offenders being apprehended and brought before ſaid juſtices, or any one within their juriſdictions, hear and determine the complaint, as if it had originally aroſe within their juriſdictions, or may direct offender to be carried to the perſon, who granted ſaid warrant, to be dealt with according to law.

On eſcape out of juriſdiction or goods being in different county.

XXXII. *ſect.* 9. No perſon ſhall ſuffer any puniſhment for any offence againſt this act, unleſs proſecution commenced within fourteen days after; and when any perſon ſuffer impriſonment purſuant to this act, for any offence in default of payment of any penalty for breach of any rules, orders, and ordinances, made for the court of mayor and aldermen, as aforeſaid, ſuch perſon, ſhall not be liable afterwards to pay ſuch penalty.

Proſecution in 14 day,

on impriſonment not to pay penalty.

XXXIII. *ſect.* 10. Any perſons aggrieved by order or judgment of any juſtice of peace upon account of any offence committed, or ſuppoſed committed againſt this act, may appeal to next general or quarter ſeſſions of the peace for the county, city, or place where ſuch conviction made, firſt giving ſecurity in the ſum forfeited before ſuch juſtices in their reſpective juriſdictions, to proſecute ſuch appeal with effect, and to abide by the orders on ſuch appeal, and giving fourteen days notice in writing of ſuch intention to appeal to the party on whoſe proſecution ſuch conviction was founded, if there are ſo many days between the conviction and ſuch ſeſſions, and if not, then to the next general or quarter ſeſſions after any ſuch conviction; and juſtices in the next general or quarter ſeſſions are authorized to hear and determine every ſuch appeal, and make ſuch order and award ſuch coſts, as to them ſhall appear juſt, and to cauſe to be levied under order of any ſuch ſeſſion the coſts awarded, together with ſuch ſum as any ſuch court or ſeſſion, on hearing ſuch appeal, ſhall adjudge forfeited, by diſtreſs and ſale of goods and chattles of the perſon who ſhall refuſe to pay ſuch coſts and ſum forfeited, or of the perſons who have become ſurety for him as aforeſaid.

Appeal to next ſeſſions,

on ſecurity to proſecute and abide by order, and 14 days notice,

if not ſo many, to next ſeſſions, order on appeal,

and coſts,

by diſtreſs and ſale.

XXXIV. *ſect.* 11. No order or proceedings by or before any juſtice of peace, by virtue of this act, ſhall be quaſhed or vacated for want of form.

Not quaſhed for want of form.

Form of conviction.

XXXV. *ſect.* 12. All juſtices, before whom any perſons convicted of any offence againſt this act, ſhall cauſe the conviction to be drawn up in the following form, or words to the ſame effect, as the caſe ſhall happen.

Be it remembered, that on the day of in the year of our Lord A. B. is convicted before me C. D. *one of his majeſty's juſtices of the peace for the city of Dublin, or liberties thereof* (as the caſe ſhall happen) *either on his own confeſſion, or on the oath of one or more credible witneſs or witneſſes* (as the caſe ſhall be) *by virtue of an act made in the eighteenth year of his preſent Majeſty king George the Third, to prevent the miſchief that ariſes from driving cattle within the city of Dublin, and liberties thereof, (ſpecifying the offence, and time and place when and where the ſame was committed,* as the caſe ſhall be). *Given under my hand and ſeal, the day and year above written.*

Suits for acting in 6 months,

XXXVI. *ſect.* 13. Action or ſuit againſt any perſons for any thing done in purſuance of this act, ſhall be brought or commenced within ſix calendar months next after every ſuch cauſe of action accrued, and not afterwards;

laid and tried where offence,

and ſhall be brought, laid and tried, in the county, city, or place, in which offence committed, and not elſewhere;

general iſſue, &c.

and defendants in ſuch action or ſuit may plead the general iſſue, and give this act and ſpecial matter in evidence at any trial thereon, and that the ſame was done in purſuance of this act; or if not commenced within the time before limited, or laid or brought in any other county, city, or place, than where offence committed, if the jury find for defendants, or if plaintiffs nonſuit, or diſcontinue, or if judgment given for defendants therein, in any of the caſes aforeſaid ſuch defendants ſhall

treble coſts to defendants on nonſuit, &c.

have treble coſts, and ſuch remedy for recovering as any defendants may have for coſts in any other caſes by law.

Continuance 3 years.

XXXVII. *ſect.* 14. This act ſhall continue in force for three years, and from thence to the end of the then next ſeſſion.

A publick act.

XXXVIII. *ſect.* 15. This act ſhall be deemed, adjudged, and taken to be a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading.

Neceſſary rules by the court in 3 months.

XXXIX. *ſect.* 16. Said mayor and court of aldermen are required to make ſuch rules, orders, and ordinances, as neceſſary to carry ſaid act into execution and effect, within three months after paſſing.

Certiorari.

Writs to be delivered in open court.

I. *Stat.* 10 & 11 *Car.* I. *cap.* 10. *ſect.* 6. Whereas bills of indictment of riot, forcible entry, aſſault and battery, or other treſpaſſes, being found before the juſtices at the general aſſizes or at the quarter ſeſſions, are often removed by writs of *Certiorari*, all ſuch writs of *Certiorari* ſhall be delivered at the general aſſizes or quarter-ſeſſions of the peace reſpectively in open court.

Bonds before allowance.

(2) And the parties indicted ſhall, before the allowance of ſuch *Certiorarits*, become bound unto ſuch perſons which ſhall proſecute ſuch bills of indictment, in ten pounds, with ſuch ſufficient ſureties, as the juſtices at the general aſſizes or at the quarter-ſeſſions ſhall think fit, with condition to pay unto the proſecutors within one month after conviction, ſuch coſts and damages as the juſtices of aſſize or juſtices of peace of ſuch counties where ſuch bills of indictment ſhall be found,

found, in the general affizes or ſeſſions of the peace reſpectively ſhall allow, and in default thereof, it ſhall be lawful for the ſaid juſtices of aſſize and of the peace reſpectively, to proceed to trial of ſuch indictments. (*Eng. Stat.* 21 *Jac.* 1, *cap.* 8.)

By rule of court.

II. *Stat.* 8 *Ann. cap.* 5. *ſect.* 1. In term-time no *Certiorari* at the proſecution of any party indicted ſhall be granted out of the Queen's-bench, to remove any indictment or preſentment of treſpaſs or miſdemeanor before trial, from before the juſtices in the general aſſizes or quarter-ſeſſions of the peace, unleſs upon motion of council on affidavit and by rule of court.

Recognizance.

(2) And the parties indicted proſecuting ſuch *Certiorari* before the allowance thereof, ſhall find two ſufficient *Manucaptors*, who ſhall enter into a recognizance before the juſtices to whom the ſame ſhall be delivered, in twenty pounds, with condition at the return of ſuch writ to appear and plead in the ſaid indictment or preſentment in the Queen's-bench, and at their own charges to procure the iſſue that ſhall be joined upon the ſaid indictment or preſentment, or any plea relating thereunto, to be tried at the next aſſizes to be held for the county wherein the ſaid indictment or preſentment was found, after ſuch *Certiorari* ſhall be returnable, if not in the county of Dublin, and the county of the city of Dublin.

Trial the next term.

(3) And if in the ſaid county or city, then to procure it to be tried the next term, or at the ſitting after the ſaid term, if the court of Queen's-bench ſhall not appoint any other time for the trial thereof, and if any other time ſhall be appointed by the court, then at ſuch other time, and to give due notice of ſuch trial to the proſecutor or his attorney in court.

Indorſement.

(4) And the ſaid recognizances ſhall be certified into the Queen's-bench, with the *Certiorari* and indictment, and the name of the proſecutor, if he be the party injured, or ſome publick officer, to be indorſed on the back of the ſaid indictment.

Proceed to trial.

(5) And if the perſon proſecuting ſuch *Certiorari*, being the defendant, ſhall not before allowance thereof procure ſuch *Manucaptors* to be bound in a recognizance as aforeſaid, the juſtices of the aſſize and of the peace ſhall proceed to trial of the indictments at the ſeſſions, notwithſtanding ſuch *certiorari* ſo delivered.

To pay coſts.

III. *ſect.* 2. If the defendant proſecuting ſuch *Certiorari* be convict of the offence for which he was indicted, the court of Queen's-bench ſhall give coſts to the proſecutor, if he be the party grieved, or be any civil officer who ſhall proſecute upon the account of any fact committed, that concerned him as officer to proſecute or preſent.

Attachment in ten days.

(2) Which coſts ſhall be taxed according to the courſe of the ſaid court, and the proſecutor ſhall within ten days after demand made of the defendant, and refuſal of payment on oath, have an attachment againſt the defendant by the ſaid court for his contempt; and the ſaid recognizance ſhall not be diſcharged till the coſts ſo taxed ſhall be paid.

In vacation time.

IV. *ſect.* 3. In the vacations writs of *Certiorari* may be granted by any of the juſtices of the Queen's-bench, whoſe names ſhall be indorſed on the writ, upon affidavit of the truth of the ſuggeſtion for granting the ſame, which ſhall be filed in the ſaid court, and alſo the name of ſuch perſon at whoſe inſtance the ſame is granted; and the parties indicted, proſecuting ſuch *Certiorari*, ſhall, before the allowance of ſuch writs of *Certiorari*, find ſuch ſureties as are before mentioned,

Repairing highways, &c.

V. *ſect.* 4. If any indictment or preſentment be againſt any perſons for not repairing highways, cauſeways, pavements, or bridges, and the title to repair the ſame may come in queſtion, upon ſuch ſuggeſtion and affidavit made of the truth thereof, a *Certiorari* may be granted to remove the ſame into the court of Queen's-bench, provided that the parties proſecuting ſuch *Certiorari* ſhall find two *Manucaptors* to be bound in a recognizance with condition as aforeſaid. (*Eng. Stat.* 5 & 6 *Will. & Mar. cap.* 11.)

This act is made perpetual by Stat. 4 Geo. 1. cap. 9. ſect. 5.

Ceſs.

Grand jury ceſs paid by occupier when levied, tho' not ſo when impoſed.

Stat. 17 & 18 *Geo.* 3. *cap.* 22. *ſect.* 15. Whereas doubts have ariſen, whether grand jury ceſs impoſed previous to expiration of any leaſe, but not levied until after, is to be paid by the tenant, whoſe leaſe is expired, or to remain a charge on the lands, and paid by actual occupier thereof at the time of being levied; every grand jury ceſs ſhall be paid by perſons occupying the land at the time ſuch ceſs is levied thereout, though ſuch perſons did not occupy the ſame when the ceſs was impoſed.

Ceſſavit.

Want of diſtreſs.

Eng. Stat. Glouceſt. 6 *Edw.* 1. *cap.* 4. If a man leaſe his land to fee-farm, or to find eſtovers in victual or cloths, which amounts to the fourth part of the value of the land; and he who holdeth the land lets it lie freſh, ſo that one cannot find diſtreſs for two or three years, without tendering the farm-rent, or doing that which is contained in the writing of the leaſe; after two years paſſed the leſſor ſhall have an action to demand the land in demeſne.

Arrears and damages.

(2) And if he againſt whom the land is demanded, comes before judgment, and renders the arrears and damages, and finds ſurety (ſuch as the court ſhall think ſufficient) to render afterwards that which is contained in the writing, he ſhall hold the land; but if he ſtays until it be recovered by judgment, he ſhall be barred.

Withholding ſervice.

II. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 21. *ſect.* 1. In like manner (*as in the Statute of* Glouceſter, Par I.) if any with-hold from his lord the ſervice due and accuſtomed for two years, the lord ſhall have an action to demand the land by ſuch a writ, *viz.*

Form of writ.

Command A. *that juſtly*, &c. *he render to* B. *ſuch a tenement, which* A. *of him held by ſuch ſervice, and which to the aforeſaid* B. *ought to revert, for that the aforeſaid* A. *in doing his ſervice aforeſaid, hath ceaſed for two years, as it is ſaid.*

Entry againſt heirs, &c.

III. *ſect.* 2. And not only in this caſe, but alſo in the caſe of the ſtatute of Glouceſter, writs of entry ſhall be made upon the heir being tenant, and upon thoſe to whom ſuch tenement ſhall be aliened.

Chalkers.

I. *Stat.* 13 & 14 *Geo.* 3. *cap.* 45. *ſect.* 1. If any perſon or perſons on purpoſe, and of malice forethought, and by lying in wait or watching, or waiting for the opportunity, after the 24th of June 1774, with any knife, or other ſharp weapon, ſhall cut or ſtab any perſon or perſons in the face, or in any limb or member, or in any part of the body, with intent in ſo doing to murder, rob, or maim, or to diſable or disfigure him, her, or them, the perſons ſo cutting or ſtabbing, counſellors, aiders, and abettors, knowing of, and privy to the offence as aforeſaid, ſhall be felons, and ſhall ſuffer death, as in caſes of felony, without the benefit of clergy.

To cut or ſtab with intent to murder, rob, or maim, diſable, or diſfigure, felony, ſo of abettors privy, &c.

II. *ſect.* 2. No attainder of ſuch felony ſhall extend to corrupt blood, or forfeit dower of the wife, or lands, goods, or chattles of offenders.

No forfeiture or corruption of blood.

III. *ſect.* 3. This act ſhall continue four years from the twenty fourth of June next.

Continued 4 years from 24 June.

IV. *Stat* 17 & 18 *Geo.* 3. *cap.* 11. *ſect.* 1. Whereas divers profligate and evil diſpoſed perſons have of late with knives or other offenſive weapons, cut and ſtabbed, or with piſtols wounded, or attempted to wound, by firing, ſhooting, and diſcharging the ſame, many ſubjects, either with an intent to murder, rob, or maim, or merely with a wanton and wicked intent to diſable or disfigure, and the laws now in force to prevent wanton, wilful, and malicious maiming and wounding are found not effectual to deter from aforeſaid barbarous practices: if any perſon or perſons, after 24th June 1778, with any knife, or other offenſive weapon, ſhall wilfully, wantonly, and maliciouſly cut or ſtab, or with a piſtol or other fire arms, wound, or attempt to wound any perſon in the face or head, or any limb or member, or part of the body, with intent in ſo doing to murder, rob, or maim, or to diſable or disfigure the perſon or perſons, their counſellors, aiders, and abettors, knowing of, and privy to the offence, on conviction adjudged felons, and ſhall ſuffer death as in caſes of felony, without benefit of clergy, or any ſtatute; and the bodies of perſons executed by this act ſhall be delivered to the chirurgeons of Dublin, or one of them, or to the profeſſor of Trinity College to be diſſected or anatomized.

13 & 14 G. 3. c. 45.

to cut or ſtab, or with fire arms wound with intent to murder, rob, or maim, diſable, or disfigure, or abettors felony death,

bodies anatomized.

V. *ſect.* 2. Provided no attainder of ſuch felony ſhall corrupt the blood, or forfeit the dower of the wife, or lands, goods or chattles of offenders.

No corruption of blood or forfeiture.

VI. *ſect.* 3. Provided this act ſhall continue in force four years from 24th June next.

Continued 4 years from 24 June next.

VII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 15. *ſect.* 1. An act ſeventeenth and eighteenth of his Majeſty, *for continuing and amending an act in the fourteenth to prevent malicious cutting and wounding, and to puniſh chalkers*, which is to continue only to twenty fourth June, one thouſand ſeven hundred and eighty two, be continued from thence for ſeven years, and to end of then next ſeſſion.

17 & 18 G. 3. c. 11. continuing and amending 13 & 14 G. 3. c. 45. to 24 June 1782, continued from thence 7 years, and to end of next ſeſſion.

Chancery.

I. The oath of the clerks of chancery and of the clerks of courſe.
Eng. Stat. 18 Edw. 3. Stat. 5.

Ye ſhall ſwear that well and lawfully ye ſhall ſerve our lord the King, and his people, in the office of clerk of the chancery, to which ye be attitled: and ye ſhall not

To ſerve the King, &c.

not aſſent nor procure the King's diſheriſon, nor perpetual damage, to your power; nor ye ſhall do, nor procure to be done, any fraud to any man's wrong, nor thing that toucheth the keeping of the ſeal; and ye ſhall lawfully give counſel to the things that toucheth the King, when ye ſhall be thereto required; and the counſel which you know touching him ye ſhall conceal. And if you know the King's diſheriſon, or perpetual damage or fraud to be done upon the things which touch the keeping of the ſeal, ye ſhall put your lawful power to repreſs and amend it: and if ye cannot do it, then ye ſhall certify the chancellor or other, which may do the ſame to be amended to your intent.

Clerks of courſe. And for the clerks of the courſe ſhall be added; *And ye ſhall not bring, nor to your knowledge ſuffer to be brought, any writs which ye make out of the court not ſealed, thereof to do execution: nor ſhall record any attorney by writs nor without writs, without eſpecial licence, if ye have not lawfully examined the party and the attorney in proper perſon, or at the leaſt him that ſhall make attorney in proper perſon; nor ye ſhall deliver any writ which ſhall be of commandment to the examinors, nor to the ſeal, before that the ſame writ be ſent to you by the commander, which thereof hath power, unleſs it be to the chancellor, or to one of the maſters, which commandeth you to make the writs. And all the writs that ye ſhall make, ye ſhall deliver to the examinors by your own hand, or by one companion which is ſworn to the King, if ye your ſelf be out of the court becauſe of ſickneſs or other cauſe neceſſary, ſo that ye cannot do it. And no writ written of another man's hand ſhall be delivered to the examinors, under your name, as yours, nor no name ſhall ye put under your writs, but your own, as God you help,* &c.

Remedy by ſtatutes. II. *Eng. Stat.* 36 *Edw.* 3. *cap.* 9. If any man thinketh himſelf aggrieved contrary to the articles contained in this and in divers ſtatutes, and cometh into chancery, and thereof makes his plaint, he ſhall have remedy there by force of the ſaid ſtatutes.

Untrue ſuggeſtions. III. *Eng. Stat.* 17 *Rich.* 2. *cap.* 6. When people are made to come into the chancery by writs founded on untrue ſuggeſtions, the chancellor ſhall have power to award damages to him who is ſo unduly troubled.

Subpœna. IV. *Eng. Stat.* 15 *Hen.* 6. *cap.* 4. No writ of *ſubpœna* ſhall be granted until ſurety be found to ſatisfy the party grieved, his damages, if the matter cannot be made good which is contained in the bill.

Fees of the lord chancellor. V. *Stat.* 14 & 15 *Car.* 2. *cap.* 21. The lord chancellor or keeper, or commiſſioners for the cuſtody of the great ſeal of Ireland, may receive to their own uſe ten ſhillings from every patentee, for every patent which ſhall paſs the great ſeal of Ireland, of any pardons, honours, dignities, liberties, privileges, benefits, offices, lands, &c. and of all grants whereby any eſtate, intereſt or benefit ſhall paſs from his Majeſty to any patentee.

No proceſs 'till a bill is filed. VI. *Stat.* 6 *Ann. cap.* 10. *ſect.* 20. No *ſubpœna*, or proceſs for appearance, ſhall iſſue out of any court of equity till after the bill is filed with the proper officer in the reſpective courts, except in caſes of bills for injunctions to quiet poſſeſſions, to ſtay waſtes or ſuits at law commenced, and a certificate thereof brought to the officer who makes out *ſubpœnas* or proceſs in the ſeveral courts of equity, under the hand of the officer for each reſpective court, who uſually

uſually files bills, for which certificate he ſhall receive no fee. (*Eng. Stat.* 4 & 5 *Ann. cap.* 16. *ſect.* 22.)

VII. *Stat.* 5 *Geo.* 2. *cap.* 8. *ſect.* 2. In all ſuits by Engliſh bill in the chancery or exchequer where any perſons are defendants, and it ſhall appear to the court by affidavit, that ſuch defendants are only truſtees, and that diligent ſearch and enquiry has been made after ſuch defendants to ſerve them with the proceſs of the court, and that they cannot be found, it ſhall be lawful for the ſaid courts of chancery and exchequer reſpectively to determine ſuch cauſes, and to make ſuch abſolute decrees therein, againſt every perſon who ſhall appear to them to be only truſtees, and no otherwiſe concerned in intereſt in the matter in queſtion, in the ſame manner as if ſuch truſtees had been duly ſerved with the proceſs of the court, and had appeared and filed their anſwer thereto, and as if ſuch truſtees had appeared by their council and clerk at the hearing of ſuch cauſes. Defendants truſtees. Abſolute decrees.

VIII. *ſect.* 3. Provided that no decree ſo to be obtained, ſhall affect any perſon againſt whom ſuch decree ſhall be made without ſervice of proceſs, his or her heirs, executors or adminiſtrators, in reſpect of any eſtate or intereſt which ſuch perſon ſhall have at the time of making ſuch decree for his or her own uſe, or otherwiſe than as a truſtee. Perſons intereſted.

IX. *Stat.* 7 *Geo.* 2. *cap.* 14. *ſect.* 7. Where any defendant to any bill filed in the courts of chancery and exchequer, ſhall appear to the ſaid courts to have been duly ſerved according to the preſent practice of the ſaid courts, with a proceſs of *ſubpœna* to anſwer ſuch bills, and ſhall ſtand out proceſs of contempt to a ſequeſtration, and neglect to appear on ſuch ſervice by their ſix-clerk or attorney, ſuch court may appoint a clerk in court to appear for ſuch defendants, and proceedings may be had in the cauſe, as if ſuch defendants had actually appeared. Defendants in contempt.

X. *ſect.* 8. Provided that all perſons who ſhall, at the time any decree in purſuance of this act ſhall be made againſt them, be under the age of twenty one years, or of *non ſane* memory, or *femes covert*, ſhall have two years from the time of ſervice of ſuch decree upon them after the removal of ſuch diſability, to make their defence. Infants, *infane* and *femes covert*.

XI. *Stat.* 13 *Geo.* 2. *cap.* 9. *ſect.* 2. In all ſuits which ſhall be inſtituted in any courts of equity in this kingdom againſt any perſons, in order to have the teſtimony of witneſſes perpetuated, where all or any of the defendants ſhall, either for not appearing, or in caſe of appearance for not anſwering, or for any other cauſe, ſtand out proceſs of contempt to a ſequeſtration, and the ſequeſtrators ſhall return that no eſtate or effects of ſuch defendants are found to be ſequeſtrated, the plaintiff, upon his publiſhing in the Dublin Gazette, two days in each week, for the ſpace of ſix weeks ſucceſſively, the names of the plaintiffs and defendants in ſuch cauſes reſpectively, and mentioning therein which of the defendants have ſo run into contempt to a ſequeſtration, as alſo the ſaid return, may, upon application for that purpoſe to the court where ſuch cauſe ſhall be depending, be at liberty to examine his witneſſes as againſt ſuch defendants as ſhall be ſo in contempt, and paſs publication of the depoſitions as if ſuch defendants had appeared and anſwered, and the cauſe had been regularly at iſſue, and publication paſſed according to the uſual courſe and method of ſuch court. Suits to perpetuate teſtimony, notice in the Gazette.

XII. *ſect.*

Examination *de bene esse*,

XII. *Sect.* 3. In all such suits for the perpetuating the testimony of witnesses as aforesaid, wherein the plaintiff shall have examined his witnesses *de bene esse*, and the defendants, or any of them shall stand out process of contempt to a sequestration for non-appearance, or in case of appearance for not answering, and such return had thereon as aforesaid, or for any other cause, so as the plaintiff cannot proceed to examine his witnesses in chief, the plaintiff in every such case, upon giving such notice in the Dublin Gazette as aforesaid, may, upon application for that purpose to the court where such causes shall be depending, have publication of such depositions, and the cause shall be as against such defendants, as shall be so in contempt proceeded on upon the sequestration and return, and the same shall be as effectual against such defendants as if they had appeared and answered, and the cause had regularly proceeded to issue, and the depositions had been taken upon an examination in chief, according to the usual course of such court.

publication of depositions.

Six-clerks dying or removed.

XIII. *Stat.* 25 *Geo.* 2. *cap.* 14. *sect.* 2. Upon the death or removal of any six-clerk in the court of chancery, such death or removal shall not delay any suits depending in the said court where such six-clerk was concerned as six-clerk, but the six-clerk who shall succeed, shall in eight running days after the service of the parties, or their agent or solicitor who was concerned for such defendants at the time of such death or removal, with *subpœnas* to elect a clerk, in such suits where such six-clerk was concerned, stand in the place of such clerk, and act for such defendants in such suits as the six-clerk so dying or removed (if not dead or removed) could have done, until the clients shall think fit to employ any other six-clerk in such suits in the said court.

Charitable Loan.

Recital, a voluntary society instituted in 1756, for lending to indigent tradesmen interest free,

I. *Stat.* 17 & 18 *Geo.* 3. *cap.* 12. *sect.* 1. Whereas in the city of Dublin and suburbs there are always a great number of industrious tradesmen, who from extreme poverty are unable to support themselves and families, when visited by sickness or other calamity, and often incapable of earning a livelihood for want of money to buy materials and necessaries for their trades, whereby several of that useful class have perished, and their families reduced to beggary, and a burthen to the publick: for remedy whereof a voluntary society was instituted in 1756, for lending out money interest free to indigent tradesmen: and the good effects of said institution were so rapidly and powerfully felt, that large sums were collected, and many persons of quality and distinction contributed largely to support of said charity, whereby several thousand families were relieved in a few years; and great benefits are likely to arise from such institution to the kingdom in general, and city of Dublin in particular, by considerably encreasing the number of inhabitants, and promoting the trade and manufactures thereof, whereby the inhabitants of said kingdom will be more able to contribute to increase of revenue, and support of the establishment; and it might greatly promote the good ends aforesaid, if corporations of like kind were established in manufacturing counties and market towns; and divers are willing to contribute large sums for the good ends and purposes aforesaid; but said voluntary society are not capable in law of taking such contributions, or carrying their good intentions effectually into execution, unless incorporated by

by an act, with ſuch clauſes, powers, juriſdictions, and authorities, as uſual in like caſes: the chief governor, lord primate, lord chancellor, archbiſhop of Dublin, ſpeaker, chief juſtice of king's bench, common pleas, and chief baron of exchequer, earl of Antrim, Cavan, Tyrone, Laneſborough, Shannon, Clanbraſſil, Charlemont, Bellamont, Roden, Ely, Aldborough, viſcount Ranelagh, Powerſcourt, Mountmorres, Mount-Caſhell, Southwell, biſhop of Cloyne, Cork, Ferns, lord baron Carysfort, Longford, Annaly, Irnham, Hercules Langford Rowley, Thomas Adderley, Richard Longfield, Richard Townſend, Sydenham Singleton, William Meade Ogle, Robert Longfield, Charles Craven, Arthur Craven, ſir Thomas Blackall, lord mayor, recorder, and ſheriffs of Dublin, Luke Gardiner, George Putland, Mark Synott, William Smyth, Nathaniel Cavenagh, and Francis Heath, be conſtituted governors, and ſuch others as elected in manner after directed, to be one body politic and corporate for ever, in deed and name, by name of *The charitable Muſical Society, for lending out money intereſt free to indigent tradeſmen*, and by ſame name to have perpetual ſucceſſion, purchaſe, have, take, receive, and enjoy to them, and ſucceſſors for ever, lands, tenements, hereditaments of whatſoever nature or kind, not exceeding in the whole, the clear yearly value of one thouſand pounds, and alſo all manner of goods and chattles of what value ſoever; and by ſame name to ſue and be ſued, plead and impleaded, anſwer and anſwered unto in all courts and places, in all ſuits, plaints, and demands; and they and ſucceſſors may have a common ſeal, as they think proper, for uſe of ſaid corporation; which it ſhall be lawful for them and ſucceſſors to change, break, alter, or make new from time to time, as they think fit.

incorporated members,

named, to have perpetual ſucceſſion, purchaſe lands not above 1000l. per annum, goods and chattles of any value, have common ſeal.

II. *ſect.* 2. Said corporation, and ſucceſſors for ever, ſhall have one preſident, three vice-preſidents, one treaſurer, one ſecretary, and one regiſter; and the lord lieutenant ſhall always be the preſident, earl of Laneſborough, lord Ranelagh, lord Mountmorres, the three firſt vice-preſidents, and Arthur Craven the firſt treaſurer, ſir Thomas Blackall firſt ſecretary, and Benjamin Higgins firſt regiſter to ſaid corporation; each to continue in their offices from the paſſing this act, until the ſecond Thurſday in November following, unleſs ſaid places, or any of them become vacant before by death, deprivation, reſignation, or otherwiſe, until others choſen in their room.

Preſident, &c. appointed.

III. *ſect.* 3. It ſhall be lawful for ſaid preſident, vice-preſidents, treaſurer, ſecretary and regiſter, and the reſt of the members above named, or as many of them as conveniently can, within forty days after the paſſing this act to meet at ſuch time and place as ſaid preſident, or any one of vice preſidents, appoint by ſummons, which ſaid preſident or any one of vice preſidents, are empowered and required timely to iſſue to ſaid members, or ſuch of them as live within the city or liberties of Dublin, where they, or major part preſent, may nominate, elect, and chooſe new members, fill up vacancies in offices, if any happen, chooſe ſuch clerks and other inferior officers and ſervants, as thought neceſſary or uſeful for ſaid corporation, to ſerve in ſaid offices until the ſecond Thurſday in November following, unleſs they ſooner die, reſign, or be removed.

IV. *ſect.* 4. Every year three ſtated general meetings of ſaid corporation within liberties of Dublin, on the ſecond Thurſday in November, firſt Thurſday in March, firſt Thurſday in June every year, and as many other general meetings, and at ſuch times as ſaid corporation, or any five or more appoint; and at the general meeting on the ſecond Thurſday in November in all times coming,

Three general meetings every year,

coming, or in case of any emergency preventing their meeting, then the next meeting, seven at least being present, whereof the president, or one of vice presidents to be always one, shall be elected three vice presidents, to continue in their offices one year, and until others be elected in their room, unless such vice presidents sooner die, be deprived of, or resign their offices.

vice presidents chosen for 1 year.

Five a meeting.

V. *sect.* 5. It shall be lawful for said governors, at any of their meetings, five at least present, to administer oaths, and examine in most solemn manner, such persons as they think proper, touching affairs or management of said charity.

Seven to elect officers 2d Thursday November, or next meeting appointed by 1 vice president and 7, continued till others chosen, unless removed, &c.

VI. *sect.* 6. It shall be lawful for the said corporation, or any seven, whereof the president, or one of vice presidents always one, to elect on second Thursday in November, in all future time, or in case of emergency preventing meeting, then at the next (which one of vice presidents and seven at least of said corporation shall have it in their power to appoint) a treasurer, secretary, and register, and all such other officers and servants as they think needful; and persons so chosen shall continue in offices until the second Thursday in November in the year following, and until others chosen in their rooms, unless such persons sooner die, or removed from or resign their offices.

Power to remove and chuse others.

VII. *sect.* 7. Said corporation, or any ten, wherof the president or one of vice presidents always one, shall have full power to remove any treasurer, secretary, register, or any other officer or servant; and upon any vacancy by death, resignation, or removal of any of them, at any time to choose others in their places, seven members at least being present, whereof president or any one of vice presidents to be one.

On absence of president.

VIII. *sect.* 8. At all general meetings, in case of absence of president, the vice president, first named in the list then present shall be chairman, and have a casting voice in case of equality of votes; and in case all the vice presidents absent, said corporation or any five shall have power to appoint one of the members present to preside for such time; and all acts done, or orders made, whilst the person so appointed presides, as valid and effectual, as if president or vice presidents presided.

7 may elect members.

IX. *sect.* 9. Said corporation or any seven, whereof president or one of vice presidents one, shall have full power to elect such persons members as they judge proper; which from time to time elected, deemed to all intents members of said corporation, as if herein particularly named.

Bye laws, &c. at general meeting. if not repugnant to law, and confirmed.

X. *sect.* 10. Said corporation at any of the three stated general meetings and at no other, seven at least, whereof president or one of vice presidents one, shall have full power to make such bye laws, rules, and ordinances for good government of said corporation, as they judge convenient; provided such bye laws not repugnant to laws of Ireland, and the same confirmed by some succeeding general meeting, at which seven at least present, whereof president or one of vice presidents to be one; and the same method shall be observed in altering or repealing such bye laws, rules, and ordinances after so made and confirmed.

And leases not above 3 lives or 31 years, nor in reversion, at best rent, without fine, &c. half yearly.

XI. *sect.* 11. It shall be lawful for said corporation, or any seven, whereof president or one of vice presidents one, at any stated general meetings to make leases of any lands or tenements belonging to said corporation not exceeding three lives, if for lives, and if years, not exceeding thirty-one, to commence and take effect in possession, not in reversion, or by way of future interest; upon which lease shall be reserved, during the continuance,

continuance, the beſt yearly rent that can be got without fine, gratuity or other reward; which rent ſhall be payable half yearly, on the two uſual feaſts, on which rents are payable.

Leaſes, reported proper, by indenture, with uſual powers, under ſeal, evidence.

XII. *ſect.* 12. Provided the ſeal of ſaid corporation ſhall not be affixed to any leaſe not referred to a committee, who ſhall report that the leaſe is proper and is by deed indented, and contains uſual powers of diſtreſs and re-entry for nonpayment; which leaſe under ſeal of corporation ſhall be read as evidence in all courts of record without any further proof.

5 at general meeting to lend intereſt free, not under 40s. nor above 5l. to one at a time.

XIII. *ſect.* 13. Said corporation or any five at any general meeting ſhall have power to lend ſuch ſums intereſt free, to ſuch perſons as they think fit, not leſs than forty ſhillings, nor more than five pounds, to any one at any one time, to be repaid at ſuch times, ſums and proportions as they think reaſonable; for which ſums notes ſhall be paſſed by the borrower mentioning terms of loan.

Money to ſociety veſted in the corporation, paid to treaſurer by order, not repaying.

XIV. *ſect.* 14. All money hitherto ſubſcribed or bequeathed to the charitable muſical ſociety, ſhall veſt in the corporation, and by any order from them or any ſeven, whereof preſident or one of vice preſidents one, may be paid to the treaſurer, whoſe receipt ſhall be a ſufficient diſcharge and acquittal; and in caſe any money lent by this act be not repaid purſuant to terms of loan, it ſhall be lawful for treaſurer in his own name to ſue for the ſame.

On notice of vacancies, 7 to meet and elect.

XV. *ſect.* 15. In caſe the office or place of any one or more vice-preſidents, or members, officers, or ſervants ſhall become vacant by death, deprivation, reſignation or otherwiſe, the remaining members ſhall not only continue and remain incorporate to all intents, but it ſhall be lawful for ſaid corporation, or any ſeven, whereof one of vice preſidents one, and they are required to meet for that purpoſe, within days after notice that ſuch vacancy has happened, to elect new vice preſidents, members, officers, and ſervants.

Accounts kept, viewed by members, &c. audited and ſubſcribed 17 Nov. yearly or 14 days after.

XVI. *ſect.* 16. Said corporation ſhall cauſe fair accounts in writing to be kept, in books prepared, of all receipts and payments, loans and other tranſactions of ſaid corporation, officers and agents, to be viewed and inſpected by any members, ſubſcribers, or benefactors, upon any occaſion; which accounts ſhall be examined, audited, and ſubſcribed upon 17th November every year, or within fourteen days after, by ſaid corporation, or any ſeven, whereof preſident or one of vice preſidents one.

To appoint perſons to lend on like terms in manufacturing counties and market towns.

XVII. *ſect.* 17. To make the good effects of ſaid charity as extenſive as poſſible, it ſhall be lawful for ſaid corporation, or any ſeven, the preſident or one of vice preſidents one, to appoint perſons under their hands and ſeal of corporation to receive contributions, and lend out money, intereſt free, not leſs than forty ſhillings, nor exceeding five pounds, at any one time, upon like terms of payment, to any perſon throughout the different manufacturing counties and market towns.

And to receive contributions, and lend to indigent and induſtrious manufacturers there, and keep regular accounts, tranſmitted once a year,

XVIII. *ſect.* 18. Perſons ſo appointed under ſeal of ſaid corporation ſhall have power of receiving contributions and benevolences, in the different counties or towns wherein appointed, and the benefactions and contributions ſhall be lent out to the indigent and induſtrious manufacturers reſident in ſuch county or town; and perſons acting under ſuch appointment ſhall keep regular books of account of all ſums they receive, and of money lent by them, and the terms upon which lent; which accounts, fairly tranſcribed, ſhall be tranſmitted once in every year to ſaid corporation for inſpection; and perſons ſo appointed

fue by civil bill, appointment under corporation ſeal evidence, and the note or witneſſes ſhall put defendant on proof of repayment, may chuſe a treaſurer and clerk, treaſurer may ſue.

pointed ſhall (on nonpayment of any money borrowed from the corporation, and lent by them) have full power and authority to ſue for ſuch money by civil bill, or otherwiſe, as they think moſt adviſeable; and producing the appointment under ſeal of corporation, without other proof of its being the ſeal, and proving the money advanced or lent, either by producing the note of the party, or otherwiſe by ſufficient witneſſes, ſhall be evidence of the debts being due, and ſufficient to put defendant to proof of having repaid or ſatisfied the ſame, purſuant to agreement; and perſons ſo appointed ſhall have it in their power to chooſe a treaſurer and clerk from time to time; and ſuch treaſurer may bring ſuch civil bill or action in his own name, without naming any of ſaid corporation, or other ſubſtitutes, as plaintiff in any action.

No fee to ſubſtitute, no ſalary above 2l. 10s.

XIX. *ſect.* 19. Provided that no ſubſtitute ſo appointed ſhall take any fee or reward for executing the office, and no treaſurer, clerk, or other employed by them, ſhall be intitled to or receive any ſalary, fee, emolument, or reward for diſcharging the duty exceeding a yearly ſalary of two pounds ten ſhillings; and the corporation, or any ſeven, the preſident or one of vice preſidents one, upon death, diſability, removal or reſignation of any ſubſtitutes or officer or ſervants appointed by ſuch ſubſtitutes or officer, ſhall have power to appoint new ones, and from time to time to remove any of them for miſbehaviour, diſability, or any other cauſe which ſhall appear ſufficient to them, or any ſeven, the preſident or one of vice preſidents one.

vacancies ſupplied.

Treaſurer reimburſed,

and arrears to collectors of contribution, and expences of this act.

XX. *ſect.* 20. Said corporation, or any ſeven, ſaid preſident or one of vice preſidents one, may order that Arthur Craven, preſent treaſurer, may be reimburſed and paid out of the fund belonging to ſaid corporation, now in the bank of William Gleadowe Newcomen and company, ſuch coſts and expences, as it ſhall appear to them, he hath been put to or ſuffered on account of ſaid charity, and order, that all arrears at preſent due to the clerk, bailiff, or other perſons employed in collecting contributions and lodging in the bank, ſhall be paid according as the labour and trouble appears to them to deſerve, and order ſuch ſum to be paid, as ſhall appear to them reaſonable, to reimburſe expences which may attend paſſing this bill into a law.

A publick act.

XXI. *ſect.* 21. This act deemed and taken a publick act.

Charitable Uſes.

Uſes in grants:

I. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 1. All archbiſhops and biſhops, and their ſucceſſors, may, from the time of any grant to them made by the King, or by any other perſons, bodies politick and corporate, of any lands, tithes, penſions, profits, or other hereditaments, unto the uſe or upon truſt for the erection or ſupport of any college, ſchool, lecture in divinity, or in any the liberal arts or ſciences, or for the relief of any poor perſons, or for the building, re-edifying, or maintaining in repair of any church, college, ſchool, or hoſpital, or for the maintenance of any miniſter and preacher of the holy word of God, or for the building, maintenance, or repair of bridges and highways, or for any other like charitable uſes warranted by the laws, * ſhall be good and effectual in law, according to the intent thereof.

* *Some words are wanting in this place to compleat the ſenſe; the ſame defect is in the parliament roll, which has been compared with the printed copy.*

(2) And the ſaid archbiſhops and biſhops, and their ſucceſſors, ſhall be compelled by the way of *ſubpœna* in the high court of chancery, or by petition before the lord deputy and privy council at the council board, to execute the ſaid truſts and uſes according to the intent of the conveyances to them directing the uſes of ſuch grants; ſaving to every perſon, bodies politick and corporate, other than the donors, their heirs and ſucceſſors, all ſuch right to the ſaid lands, *&c.* as they might have had if this act had never been made. Execution of truſts.

II. *Stat.* 12 *Geo.* 1. *cap.* 10. *ſect.* 12. Where any archbiſhop, biſhop or dean, ſhall be diſpoſed to erect alms-houſes upon any convenient place of his lands out of leaſe, ſuch archbiſhop or biſhop, or ſuch dean with the conſent of the biſhop of the dioceſe under his epiſcopal ſeal, may ſet apart ſo much thereof, not exceeding one acre for any one alms-houſe, as may be ſufficient for that uſe, and may convey the ſame by proper deeds to the church-wardens of the pariſh and their ſucceſſors for ever, to be applied to the uſe of an alms-houſe, and ſuch church-wardens and their ſucceſſors ſhall be capable to take lands ſo granted, ſo as ſuch deeds be regiſtered in the reſpective regiſtries of the ſaid archbiſhop or biſhop, which deeds ſo regiſtered ſhall be a full and effectual conveyance of ſuch part of the ſaid lands ſo long as they continue for the uſe of ſuch alms-houſes. Land for alms-houſes, deeds to be regiſtered.

III. *Stat.* 3 *Geo.* 3. *cap.* 16. *ſect.* 17. *Whereas ſeveral perſons have been named in acts of parliament, as governors or truſtees of ſeveral charitable foundations: and whereas ſeveral other perſons upon the death of governors and truſtees, have been ſince elected governors or truſtees of ſuch foundations in purſuance of the powers in the ſaid acts contained: and whereas ſeveral of the truſtees or governors ſo named and elected, are or may be prevented attending the buſineſs of ſuch charitable foundations, either by their age, infirmities, or other affairs, whereby the buſineſs relating to ſuch charitable foundations may be greatly delayed, and the good intents of the ſaid acts in a great meaſure defeated: and whereas it may be doubted whether ſuch governor or truſtee ſo incapacitated can reſign ſuch his office, or whether the corporation of which ſuch governor or truſtee is a member, can elect another governor or truſtee in the place of the perſon ſo reſigning: for remedy whereof,* it ſhall be lawful for any of the governors or truſtees named or elected heretofore, or hereafter to be elected or choſen under any of the ſaid acts, at any corporate meeting of ſuch governors or truſtees, whereof ſuch perſon is or ſhall be a member, to ſurrender and make void, under his hand and ſeal, his place or office of governor or truſtee of ſuch charitable foundation, on giving notice in writing to the governors of ſuch corporation, (of which he is a member) corporately aſſembled, at leaſt one month before ſuch his intentions ſo to do. Truſtees who have been appointed, or elected on vacancies, prevented from attending, doubt whether they can reſign; ſurrender ſhall be lawful; notice in writing.

(2) And thereupon the governors or truſtees of ſuch corporation in being, or a ſufficient number of them preſcribed by their different charters or acts, to conſtitute a board, are hereby impowered to accept of ſuch reſignation or ſurrender, and to proceed to the election of another governor or truſtee, to act in the place or ſtead of the perſon ſo reſigning, as if ſuch perſon was naturally dead, according to ſuch regulations as are contained in the act of parliament conſtituting the corporation whereof the member ſo reſigning has been a governor or truſtee. New election of a truſtee, &c.

IV. *Stat.* 3 *Geo.* 3. *cap.* 18. *ſect.* 1. *Whereas the pious intentions of many charitable perſons are frequently defeated by the concealment or miſapplication of their donations* Concealment of charities, &c.

donations or bequeſts to publick or private charities in this kingdom: the vicar-general or his ſurrogate, and the regiſter of the prerogative, ſhall make a return to the biſhop of the dioceſe, or to his grace the archbiſhop of Armagh reſpectively, on or in every year at the annual viſitation, or between the twenty fifth day of March and the twenty fourth day of June in every year, of every charitable donation or bequeſt contained in any will, which ſhall be entered in the office of ſuch vicar general, ſurrogate, or regiſter, which return ſhall likewiſe contain the name of the teſtator, the names of the perſons to whom a probate of any ſuch will, or letters of adminiſtration, with ſuch will annexed, ſhall be granted, with the date of ſuch will, probate, or adminiſtration.

Returns to be made to the biſhop, &c. at the viſitation, &c.

Names of teſtators and executors, &c.

(2) And copies of ſuch returns, upon oath, ſhall be lodged the beginning of the ſucceeding ſeſſion of parliament with the clerk of each houſe, and every ſuch officer as aforeſaid, who ſhall neglect to make ſuch return as aforeſaid, ſhall forfeit five pounds, to be recovered by any perſon who ſhall ſue for the ſame, by civil bill before any of the judges of aſſize in their reſpective circuits, or before the recorder of the city of Dublin.

Returns on oath, to parliament, &c.

penalty of neglect.

V. *ſect.* 2. The perſons to whom the probate of any ſuch will, or letters of adminiſtration as aforeſaid, ſhall be granted, ſhall within three calendar months next after the obtaining the ſame, publiſh in the Dublin Gazette, three times ſucceſſively, every charitable donation or bequeſt contained in ſuch will, the name of the teſtator, the date of ſuch will or codicil, and the name of the perſons to whom ſuch charitable donation and bequeſt is given and bequeathed, and the name of the perſons appointed by the teſtator for the management and direction thereof, and the expence of ſuch publication ſhall be paid by the ſaid executors or adminiſtrators, out of the ſaid reſpective charities.

To be publiſhed in the Gazette,

contents of the advertiſement,

expence of publication.

(2) And every ſuch perſon, who ſhall neglect to publiſh the ſame in manner herein required, ſhall forfeit for every ſuch neglect fifty pounds ſterling, to be recovered by any perſon that ſhall ſue for the ſame, by action of debt, bill, plaint, or information in any of his Majeſty's courts of record, in which no eſſoign, *&c.* ſhall be allowed.

Forfeiture for neglect.

Chirographer.

Eng. Stat. 2 *Hen.* 4. *cap.* 8. The chirographer, his farmer, deputy, or lieutenant, ſhall not take more than four ſhillings for any fine levied; and if the farmer, lieutenant, or deputy take more, he ſhall loſe his office and be fore-judged the court, and have one year's impriſonment, and pay the party grieved his treble damages, and the party grieved ſhall have his ſuit before the juſtices of the bench. *See Tit.* Fines.

Fees for fines.

Churches.

I. *Eng. Stat.* Winton, 13 *Edw.* 1. *ſtat.* 2. *cap.* 6. Fairs and markets ſhall not be kept in church-yards.

Fairs in church-yards.

II. *Eng. Stat.* ne rector proſternat arbores in cœmetreio, 35 *Edw.* 1 *ſtat.* 2. *ſect.* 1. Trees growing in the church yard are to be reckoned among the goods of the church.

Trees in church-yards.

III. *Stat.*

III. *ſect.* 2. The parſons ſhall not fell them, but when the chancel doth want repairs; neither ſhall they be converted to other uſe except the body of the church need repair. Repair of the church.

IV. *Stat.* 2 *Geo.* 1. *cap.* 14. *ſect.* 3. It ſhall be lawful for the lord lieutenant, or other chief governors of this kingdom, with the aſſent of the major part of the privy council, ſix at leaſt conſenting, and with the approbation of the reſpective archbiſhop and biſhop in whoſe province and dioceſe ſuch pariſhes are, upon examination of witneſſes upon oath or other lawful means, to direct new churches to be built in more convenient places with the conſent of the patrons and of the proprietors, upon whoſe lands ſuch new church is to be erected, and of the incumbent and church-wardens and pariſhioners aſſembled in veſtry, or the major part of them, and of the proprietors of the lands within ſuch pariſhes, or the major part of them, teſtified by their petitions to the chief governors and the council. New churches in more convenient places.

(2) The expence of building which churches, ſhall be applotted on the reſpective pariſhes by act of veſtry, and ſuch church ſo newly erected ſhall be the pariſh-church, when ſo declared by ſuch order as aforeſaid, and the chancel ſhall be repaired by ſuch perſons as were liable to repair the chancel of the old pariſh-church. (*See Par.* XXXIX, *& Par.* XLIII.) Expence of building.

V. *ſect.* 4. Upon the removal and new erecting of any pariſh church as aforeſaid, the patron of the church ſo removed, his heirs and aſſigns, ſhall be patron of the new church, and ſhall enjoy all the rights of patronage as if the church had continued without any alteration. Saving for patrons.

VI. *ſect.* 19. All acts of parliament hereafter made for erecting particular churches, ſhall be publick acts, and no fees ſhall be taken for paſſing any ſuch acts. Acts for building churches.

This act is made perpetual by Stat. 13 Geo. 2. cap. 4.

VII. *Stat.* 10 *Geo.* 1. *cap.* 6. *ſect.* 2. Whereas by the act 2 *Geo.* 1. *cap.* 14. the conſent of the incumbent and church-wardens and pariſhioners aſſembled in veſtry, or the major part of them, teſtified by their petition to the chief governors and the council, is neceſſary to the ordering new churches to be built in more convenient places, and in divers pariſhes great numbers of the inhabitants are of the popiſh religion, who by refuſing to conſent to the building new churches in more convenient places, greatly obſtruct the execution of the ſaid act; the conſent of the incumbent and church-wardens, and proteſtant pariſhioners of ſuch pariſh aſſembled in veſtry, or the major part of them, teſtified by their petition to the chief governors and the council, ſhall be a ſufficient conſent of the pariſhioners of ſuch pariſhes, to the ordering new churches to be built in more convenient places within ſuch pariſhes. Papiſts not to have votes.

VIII. *ſect.* 3. Provided that due notice be given in the church of ſuch veſtry to be held, and of the deſign of calling the ſaid veſtry two Sundays ſucceſſively immediately preceding the time appointed for the meeting of the ſaid veſtry, and where there is no church uſed for the celebration of divine ſervice, the like notice ſhall be poſted up in the next market town fourteen days before the meeting of the ſaid veſtry. Notice of veſtry.

This act is made perpetual by Stat. 13 Geo. 2. cap. 4.

IX. *Stat.*

Chapels of eaſe.

IX. *Stat.* 6 *Geo.* 1. *cap.* 13. *ſect.* 3. Whereas there are ſeveral pariſhes of ſuch extent, that it is impoſſible for the inhabitants to repair for divine worſhip to their pariſh-church; it ſhall be lawful for the archbiſhop or biſhop of any dioceſe wherein ſuch pariſhes are ſituated, or for the inhabitants of ſuch pariſhes, with the conſent of the archbiſhop or biſhop of the dioceſe, to erect one or two chapels of eaſe, if any great number of inhabitants muſt otherwiſe be more than ſix miles from their place of publick worſhip.

Finding curates.

(2) And after ſuch chapels of eaſe ſhall be erected, and ſet apart for divine worſhip, the incumbent of the pariſh ſhall find ſufficient curates to be admitted and approved of as other curates are by the biſhop, who ſhall conſtantly perform divine ſervice in the ſaid chapels, and the incumbent ſhall ſupport the ſaid curates, either by endowing the ſaid chapels with ſuch a portion of the tythes belonging to the pariſh, as ſhall be agreed upon by the archbiſhop or biſhop, the patron and incumbent, and the dean and chapter of the dioceſe, or the major part of the clergy beneficed, when convened in the ordinary viſitation, or elſe by paying annually by quarterly payments to ſuch curates, ſuch ſums as the archbiſhop or biſhop of the dioceſe ſhall allocate, provided the ſums allocated do not exceed one ſixth part of the yearly profits ariſing to ſuch incumbent out of the pariſh. (*See Par.* XI.)

Repairs by the pariſh.

X. *ſect.* 4. The ſaid chapels ſhall be kept in repair at the charges of the whole pariſh, in the ſame manner as the pariſh-church ought to be, or elſe by certain annual rents to be placed on account of the ſaid chapels, by the biſhop, incumbent, and the major part of the pariſhioners aſſembled at the veſtry to be appointed.

Erecting chapels of eaſe.

XI. *Stat.* 1 *Geo.* 2. *cap.* 22. *ſect.* 2. In any pariſh where a great number of inhabitants do reſide at the diſtance of five meaſured miles from their place of publick worſhip, computing each mile at one thouſand ſeven hundred and ſixty yards, to be admeaſured along the ordinary horſe road, it ſhall be lawful for the archbiſhop or biſhop of the dioceſe, with the conſent of the majority of the proteſtant inhabitants of the ſaid pariſh, who are of the church of Ireland, as by law eſtabliſhed, and who do not reſide within three ſuch miles of the place where divine ſervice has been uſually performed for the ſaid pariſh, nor within two ſuch miles of any other church or chapel where divine ſervice is performed according to the uſage of the church of Ireland, but who do reſide within three ſuch miles as aforeſaid, of the place where a chapel is to be built, ſignified under their hands, to erect one or two chapels of eaſe within the ſaid pariſh.

Service by curates.

(2) And ſuch chapels when erected and ſet apart for publick worſhip, and alſo ſuch as are already erected, and are conveniently ſituate for the uſe of the inhabitants of that pariſh, ſhall be ſupplied with ſufficient curates, which ſhall be appointed, approved, and ſupported by ſuch perſons, and by ſuch means, as by the act 6 *Geo.* 1. *cap.* 13. are preſcribed for the appointment, approbation, and ſupport of curates.

Churches in cities, &c.

XII. *ſect.* 3. In any pariſh within the city of Dublin, or the liberties thereof, or the liberties thereunto adjoining, or within any city or town corporate where any great number of proteſtant inhabitants ſhall be excluded from the parochial church for want of room during the celebration of divine ſervice therein, it ſhall be lawful for the archbiſhop or biſhop of the dioceſe wherein ſuch pariſh is ſituate, with the conſent of the proteſtant inhabitants of the

the parish who are of the church of Ireland as by law established, or the major part of them in vestry assembled, to erect one or two chapels of ease within the said parish.

(2) And such chapels, when erected and set apart for publick worship, shall be supplied with sufficient curates, which shall be appointed, approved, and supported by such persons, and by such means, as by the said act 6 *Geo.* 1. *cap.* 13. are prescribed for the appointment, approbation, and support of curates. Curates to be supported.

XIII. *sect.* 4. All such chapels which shall be erected and set apart for publick worship by virtue of this or any former act, or that have already been erected and set apart for publick worship, and are conveniently situate for the use of the inhabitants, shall be kept in repair, and provided with all things commodious for the celebration of divine service therein, at the charge of the parishioners of the whole parish wherein such chapels have been or shall be erected and set apart as aforesaid, by such rates or other means as the parish-church ought to be kept in repair, or else by certain annual rents to be set on the pews or seats of such chapels, by the archbishop or bishop of the diocese, with the consent of the incumbent, and the major part of such parishioners thereof as aforesaid assembled at a vestry duly appointed for that purpose.

(3) Which rates or annual rents being so made, shall be paid to the church-wardens of such parish, or either of them, or to any persons by them appointed and approved of by the archbishop or bishop of the diocese, for that purpose. Annual rates.

(4) And such church-wardens, and each of them, and every person by them appointed and approved of as aforesaid, shall have authority to demand, receive, distrain for, and recover all such rates or annual rents, at such times, by such means, and under such penalties, as ministers money, church-rates, or parish-cesses, may be collected and recovered by any law. Authority of church-wardens.

(5) And the money arising by such rates or annual rents, shall be applied by such church-wardens in repairing such chapels, and providing all things commodious for the celebration of divine service therein. Application of the money.

XIV. *Stat.* 12 *Geo.* 1. *cap.* 9. *sect.* 7. For preventing of papists having it in their power to obstruct the rebuilding and repairing churches for divine worship, no inhabitant of any parish being a papist, shall be capable of giving their vote at any vestry to be held for the purposes aforesaid. Papists not to vote.

XV. *sect.* 8. Such money as shall be agreed upon, assessed, and ordered at vestries for building and repairing of churches, shall be levied by warrant under the hands and seals of two justices of the peace of the county where such parish doth lie, by the church-wardens, by distress and sale of the goods of the persons refusing or neglecting to pay the sums applotted on them, pursuant to such act of vestry, together with the charges of such distress and sale, returning the overplus, if any. Warrant of justices.

(2) And in case any persons shall think themselves aggrieved by such applotment, or the levying thereof, they shall be at liberty to appeal to the next quarter-sessions held for the said county, who are finally to determine the same. (*See Par.* XVIII.)

XVI. *Stat.* 1 *Geo.* 2. *cap.* 19. *sect.* 2. Where any parish-church is part of the corps of any deanery or ecclesiastical dignity, the patronage whereof be- Consent of chief-governors.

longs to the crown, or where any pariſh-church is in the immediate patronage of the King, and it ſhall be neceſſary that a new pariſh-church ſhould, according to *Stat.* 2 *Geo.* 1. *cap.* 14. be built within the ſame, the conſent of the lord lieutenant or chief governors to the building of ſuch church, ſignified in writing under their reſpective hands and ſeals, and enrolled in the chancery within ſix months after the date thereof, ſhall be as good as if the conſent of his Majeſty thereto was ſignified by letters patent under the great ſeal.

Epiſcopal unions.

XVII. *Stat.* 3 *Geo* 2. *cap.* 11. *ſect.* 1. Where any epiſcopal union of contiguous pariſhes under one incumbent or curate is or ſhall be made, the inhabitants or occupiers of land within every of ſuch united pariſhes reſpectively, ſhall be obliged to contribute towards the repair of the church or chapel appointed for publick worſhip within the united pariſhes, and to the providing all neceſſary charges belonging to ſuch church or chapel, as if ſuch united pariſhes were one entire pariſh, and the church ſo appointed the pariſh-church of the ſame, and two church-wardens may every year be choſen for ſuch united pariſhes reſpectively, and have the like office and power within the ſame, as other church-wardens have in their reſpective pariſhes.

Pariſhioners rebuilding their church.

XVIII. *ſect.* 3. Provided, that if the pariſhioners of any ſuch united pariſh ſhall at any time build up or ſufficiently repair the pariſh-church of their pariſh, from thenceforth, neither they nor any of them ſhall by this act be compelled to contribute towards the repairing of any other church or chapel within the ſaid united pariſhes, excepting that of the particular pariſh to which they immediately belong, and the church or chapel appointed as is before mentioned for the ſaid united pariſhes, ſhall from thenceforth be kept in repair by the reſt of the pariſhioners of the ſaid united pariſhes.

Pariſh-ceſſes to be applotted.

XIX. *ſect.* 3. Every pariſh ceſs or tax that ſhall be made at any veſtry for the repair of the pariſh-church or chapel, or other neceſſary charges belonging to ſuch church or chapel, ſhall in ten days after the ſame is ſo agreed upon, be equally applotted upon the inhabitants, by the church-wardens or other perſons appointed for that purpoſe by the major part of the proteſtant pariſhioners in veſtry aſſembled.

Notice of veſtry.

(2) Which applotment ſhall be returned to the miniſter of the pariſh, who the firſt Sunday after he hath received the ſame, ſhall after divine ſervice in the morning give publick notice thereof, as alſo of a veſtry to be held in ten days after ſuch notice, in order to have the ſaid applotment examined into.

Hearing objections.

(3) At which veſtry the major part of the proteſtant inhabitants there aſſembled, ſhall have power to hear all parties who ſhall object to the ſaid applotment, and to make ſuch alterations as to them ſhall ſeem reaſonable, and finally to aſcertain the ſame.

Tranſcripts to be made.

(4) And after the ſame is ſo aſcertained, they ſhall cauſe two diſtinct tranſcripts thereof to be made, each to be ſubſcribed by the miniſter, church-wardens, and three of the proteſtant pariſhioners then preſent, one part whereof ſhall remain with the miniſter and pariſhioners, and the other ſhall be delivered to the church-wardens, who ſhall with all convenient expedition proceed to collect and levy the ſame, to be applied to the uſes for which it was ordered.

Refuſing to collect.

(5) And if ſuch church-wardens ſhall wilfully neglect or refuſe to collect any pariſh tax or ceſs ſo applotted and aſcertained as aforeſaid, or at the expiration

expiration of their office ſhall refuſe or neglect to account for the ſame in any veſtry to be held for that purpoſe, of which ten days notice ſhall be given in ſuch church or chapel immediately after divine ſervice in the morning, it ſhall be lawful for the ſucceeding church-wardens to ſue for and recover from the ſaid church-wardens the ſums in the ſaid applotment contained.

Neglecting to pay the balance.

(6) Or if after an account ſtated in manner aforeſaid, any ſuch church-wardens ſhall after a demand made, refuſe or neglect to pay the balance of ſuch account remaining in their hands to the ſucceeding church-wardens, it ſhall be lawful for the ſucceeding church-wardens to ſue for and recover from the ſaid church-wardens ſuch reſpective ſums, in caſes where the ſame does not exceed twenty pounds, by civil bill at the general aſſizes to be held for the county where ſuch pariſh-church, or chapel is, or where ſuch pariſh-church or chapel is within the city or county of Dublin, at the general quarter-ſeſſions to be held for the ſaid city or county.

Recovery by action.

(7) And in caſes where any ſuch ſum exceeds twenty pounds, the ſame to be ſued for and recovered by action of debt, *&c.* in any of his Majeſty's four-courts of Dublin.

Applotment made evidence.

XX. *ſect.* 4. And in ſuch ſuit or action, the aforementioned applotment ſubſcribed by the miniſter, church-wardens, and three pariſhioners, ſhall be ſufficient evidence to charge the defendants with the ſeveral ſums contained in the ſaid applotment, and the account ſtated as aforeſaid ſhall be admitted as ſufficient evidence to charge the defendants with the balance of ſuch account.

Allowances to be made.

XXI. *ſect.* 5. Provided that if any ſuch church-wardens refuſing to account as aforeſaid, ſhall after judgment obtained againſt them, and payment made as aforeſaid, apply to the miniſter and ſucceeding church-wardens to be admitted to account, the miniſter, churchwardens, and pariſhioners in veſtry aſſembled ſhall take ſuch account, and ſuch ſucceeding church-wardens ſhall pay back all ſuch ſums as the church-wardens ſo accounting ſhall prove to have been applied to the uſe of the pariſh, and alſo ſuch ſums as they can make appear upon oath could not be collected, by reaſon of the poverty or other circumſtances of the parties upon whom they were applotted, which oath any juſtice of the peace for the city or county of the city or county where ſuch pariſh-church or chapel lies, are required to adminiſter.

Appeal to the ſeſſions.

(2) And if the church-wardens ſo accounting ſhall find themſelves aggrieved by the determination of the ſaid miniſter, ſucceeding church-wardens, and pariſhioners upon taking ſuch account, they may appeal to the juſtices at the next general quarter ſeſſions for the county where ſuch pariſh church or chapel is, who are impowered to ſummon and examine witneſſes upon oath, and finally to determine the ſame.

Repayments to be levied.

(3) And in caſe they ſhall adjudge any ſum to be repaid by the ſucceeding church-wardens, to the church-wardens ſo accounting, to cauſe the ſame to be levied by diſtreſs and ſale of the goods of ſuch ſucceeding church-wardens, or any of them, by warrant under the hands and ſeals of any two of the juſtices preſent at the ſaid ſeſſions.

Coſts on confirmation.

(4) And in caſe they ſhall confirm the determination of the miniſter, ſucceeding church-wardens, and pariſhioners, they ſhall award ſuch coſts as they ſhall think reaſonable, not exceeding forty ſhillings, to be levied by diſtreſs and ſale of the goods of the perſons ſo appealing, by warrant under the hand and ſeal of two of the juſtices preſent at the ſaid ſeſſions.

Pariſhes united by charters.

XXII. *ſect.* 6. And whereas ſeveral pariſhes in this kingdom are united by charters granted by the crown, in ſome of which there are but very few pro-

teſtants, and the pariſh-churches thereof ruined or in very great decay; until ſuch ruined or decayed churches are rebuilt or repaired, the pariſhioners thereof ſhall be obliged to contribute to the keeping in repair the church to which ſuch pariſhes are united, and to the providing all neceſſary charges belonging thereto, in like manner, and ſubject to ſuch regulations, as are herein appointed for repairing of churches united by epiſcopal union.

Uſes in act of veſtry.

XXIII. *ſect.* 7. Provided, that all money to be raiſed and levied as aforeſaid, ſhall be applied to the uſes mentioned in ſuch act of veſtry, and no other.

Acts made perpetual.

XXIV. *Stat.* 13 *Geo.* 2. *cap.* 4. An act 2 *Geo.* 1. *cap.* 14. for the real union and diviſion of pariſhes, and an act of 10 *Geo.* 1. *cap.* 6. explaining and amending the ſaid act, *&c.* are made perpetual.

Grants of land for churches.

XXV. *Stat.* 19 *Geo.* 2. *cap.* 16. *ſect.* 3. From ſuch time as the lord lieutenant or chief governors ſhall order any new church to be built purſuant to the powers veſted in them, by the acts of 2 *Geo.* 1. *cap.* 14. and 10 *Geo.* 1. *cap.* 6. all perſons ſeized in fee ſimple, fee tail, or for life, with immediate remainder over in tail to their own iſſue, of land whereon ſuch new church ſhall be directed to be built, may grant ſuch lands, not exceeding one acre to the church-wardens of the pariſh where ſuch new church is to be built, and their ſucceſſors for ever, as a ſcite for ſuch new church or church-yard for the uſe of the pariſhioners.

Good againſt remainder-men, &c.

(2) And ſuch grant ſhall be good againſt all perſons claiming under any limitation, remainder, or reverſion in any ſettlement thereof made, and the church-wardens of the ſaid pariſh, and their ſucceſſors for ever, are made capable of receiving ſuch grant.

Scites for new churches.

XXVI. *Stat.* 33 *Geo.* 2. *cap.* 11. *ſect.* 4. It ſhall be lawful for every archbiſhop, biſhop, dean, dean and chapter, archdeacon, dignitary, or prebendary, and for every body politick and corporate, and for every perſon ſeized in fee ſimple, fee tail, or for life, with immediate remainder over to his or their iſſue, in ſuch land whereon any new church ſhall be intended to be built, to grant by deeds reſpectively, ſuch land not exceeding one acre plantation meaſure, to the church-wardens of the pariſh wherein ſuch new church is to be built, and their ſucceſſors for ever, for a ſcite for ſuch new church, and for a church-yard for the uſe of the pariſhioners of the ſaid pariſh.

Church-wardens may take grants.

(2) And ſuch grant ſhall be good and effectual againſt ſuch archbiſhop, *&c.* and againſt every perſon claiming or to claim any eſtate, right, title or intereſt in ſuch land, by virtue of or under any limitation, remainder, or reverſion in any ſettlements heretofore made, and the church-wardens of ſuch pariſh, and their ſucceſſors for ever, are hereby impowered and made capable of receiving and enjoying the benefit of ſuch grant, for the purpoſe aforeſaid.

Removal of ſuits.

XXVII. *Stat.* 21 *Geo.* 2. *cap.* 8. *ſect.* 6. The chief governors of this kingdom, with the aſſent of the privy-council, and with the conſent of the King ſignified as herein after mentioned, and with the advice and approbation of the archbiſhop of the province, and biſhop of the dioceſe, certified under their hands and archiepiſcopal and epiſcopal ſeals, and with the conſent of the reſpective deans and chapters certified under their chapter ſeal, may remove he ſcites of cathedral churches to ſome convenient parochial churches, and make parochial churches both cathedral and parochial.

XXVIII. *ſect.*

XXVIII. *ſect.* 7. From the time that any parochial church ſhall be made cathedral and parochial as aforeſaid, the dean, the dean and chapter, the archdeacon, dignitaries, prebendaries, canons, vicars, and vicars choral, and all other members of ſuch cathedral church, the ſcite whereof ſhall be removed as aforeſaid, ſhall be and become the dean, *&c.* and members of ſuch cathedral and parochial church, and ſhall be called by the names reſpectively by which ſuch cathedral and parochial church ſhall be called in the act of council, making it cathedral and parochial, and ſhall be ſubject to all ſuch juriſdictions, duties, and penalties as they were ſubject to in the ancient cathedral church. Proviſions on removal.

(2) And the œconomy fund of the ancient cathedral church ſhall be appropriated and applied to the uſe of the ſaid cathedral and parochial church, and to ſuch other uſe as is herein after mentioned, and alſo the plate and all other utenſils belonging to the ſaid ancient cathedral church, ſhall be applied to the uſes of the ſaid cathedral and parochial church. Œconomy fund.

XXIX. *ſect.* 8. Provided that before ſuch parochial church ſhall be made cathedral and parochial, the conſent thereto ſhall be firſt had of the incumbent, church-wardens, and proteſtant inhabitants of the church by law eſtabliſhed, in veſtry aſſembled, or the major part of them, of the pariſh to which ſuch church doth belong, and of the other pariſhes united thereunto. Conſent of incumbent, &c.

XXX. *ſect.* 9. Saving to ſuch parochial church all its parochial rights which it had before it was made cathedral and parochial. Parochial rights.

XXXI. *ſect.* 10. After ſuch church ſhall be made cathedral and parochial, it ſhall be put and kept in repair jointly by the ſaid dean and chapter out of the œconomy fund, and by the inhabitants of the ſaid pariſh, and of the pariſhes thereunto united, who reſpectively ſhall contribute to ſuch repair, in ſuch proportion as ſhall from time to time be agreed to by the ſaid dean and chapter in chapter aſſembled, teſtified under their chapter-ſeal, and entered in their chapter-book, and by the ſaid proteſtant inhabitants of the ſaid pariſh, and the other pariſhes thereunto united, or the major part of them in veſtry aſſembled, teſtified by their act of veſtry, entered in their veſtry book, and ſigned by them, or the major part of them, and with the approbation of the archbiſhop or biſhop of the dioceſe, certified under his archiepiſcopal or epiſcopal ſeal, and entered in the regiſtry office of the dioceſe where the ſaid church doth lie. Contribution to repairs.

XXXII. *ſect.* 11. Provided due notice be given of ſuch veſtry in the church where the ſame is to be held, and of the deſign of calling the ſame, two Sundays ſucceſſively immediately preceding the time appointed for the meeting of ſuch veſtries, and where there is no church uſed for the celebration of divine ſervice, the like notice ſhall be poſted up in the next market town, fourteen days before the meeting of ſuch veſtries. Notices of calling veſtries.

XXXIII. *ſect.* 12. The ſcite of every ſuch ancient cathedral church, as by virtue of this act ſhall be removed, and of the church-yard belonging thereunto, ſhall be kept incloſed and apart from prophane uſes by fences ſufficient for that purpoſe, the expences whereof ſhall be defrayed out of the œconomy fund by the ſaid dean and chapter, and the ſaid dean and chapter ſhall be for ever diſcharged from all other repairs of the ſaid ancient cathedral church. Ancient ſeites to be encloſed.

XXXIV. *ſect.* 13. When the conſent of the King is to be given to the removal of the ſcite of any ancient cathedral church, and to the making of any parochial church cathedral and parochial, purſuant to this act, the conſent of the chief governors under their hands and ſeals to ſuch removal, or to the making ſuch pariſh-church cathedral and parochial, ſhall be as valid as if the conſent of his Majeſty was thereunto ſignified by letters patent under the great ſeal. Conſent of the King.

XXXV. *ſect.*

Enrolment of conſent.

XXXV. *ſect.* 14. Provided that ſuch conſent be enrolled in the rolls office within ſix months after the date thereof, for the enrolment whereof three ſhillings and four pence and no more ſhall be paid.

Saving of rights.

XXXVI. *ſect.* 15. Nothing herein ſhall extend to take away any right of any dean, dean and chapter, prebendary, dignitary, canon or vicars choral of ſuch cathedral church, which ſhall be removed by virtue of this act, to the ancient ſcite of ſuch cathedral church, or the church-yard or other ground or building thereunto appertaining.

Repeal of 13 & 14 G. 3. c. 10.

XXXVII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 14. *ſect.* 1. Whereas pariſhioners have neglected or refuſed to make proviſion at veſtries for repairs of the churches or chapels and to defray neceſſary charges for performance of divine ſervice therein, to the diſgrace and diſcouragemement of the eſtabliſhed religion: and an act the thirteenth and fourteenth of his preſent Majeſty, *to explain and amend an act third of George the ſecond, for better keeping churches in repair*, was intended to remedy ſaid abuſes, but the proviſions made by ſaid act extend as well to thoſe pariſhes, in which no ſuch default, as to thoſe in which there had; and it is not reaſonable, the innocent ſhould be confounded with the guilty; the ſaid recited act of laſt ſeſſion, and every thing therein contained from henceforth repealed.

Special return by 1ſt of next ſeſſion to both houſes of the ſtate of churches and chapels,

XXXVIII. *ſect.* 2. That parliament may be informed of the ſtate and condition of churches and chapels, and conduct of the pariſhioners with reſpect to the particulars before mentioned, that an adequate remedy may be provided for reformation of ſuch abuſes, the deans, archdeacons, prebendaries, and all rectors, vicars and perpetual curates, ſhall upon the beſt information make a ſpecial return to the clerks of both houſes on or before the firſt day of next ſeſſion of the true ſtate, age, and condition of their reſpective pariſh churches and chapels, and whether ſafe and fit for reſort of the pariſhioners to have divine ſervice performed, and whether ſaid churches and chapels have from time to time been provided with ſuch uſeful and decent requiſites as are neceſſary for due celebration of the ſacrament, and regular performance of divine ſervice, according to the rites and ceremonies of the church of Ireland; and whether any taxes, and to what amount, have been applied for or levied for five years previous to the firſt of December, one thouſand ſeven hundred and ſeventy-five, to anſwer the purpoſes aforeſaid.

and of taxes five years before 1 Dec. 1775.

Cathedral of St. Patrick's, Armagh, deemed the mother-church, and all acts done confirmed;

XXXIX. *Stat.* 15 & 16 *Geo.* 3. *cap.* 17. *ſect.* 4. Whereas the mother-church of Armagh hath been in ruins paſt the memory of man, inſomuch that the ſite cannot be ſufficiently aſcertained; and the cathedral of ſaint Patrick's in Armagh hath been hitherto made uſe of, from its convenient ſituation to all parts of ſaid pariſh, to ſerve for all legal purpoſes of a pariſh church; all acts had and done heretofore in ſaid cathedral church, as the mother church of ſaid pariſh, ſhall be as good and valid to all intents, as if ſaid cathedral had been the mother church of ſaid pariſh; and for the future the ſaid cathedral of Saint Patrick's Armagh, be deemed and taken to be the mother church of ſaid pariſh of Armagh for all legal purpoſes whatſoever within ſaid pariſh, without prejudice to the rights, privileges, or immunities of ſaid cathedral; and alſo ſaving to the archbiſhop, his ſucceſſors, and the dean and chapter of ſaid cathedral, and their ſucceſſors, their ſeveral reſpective and diſtinct rights, privileges, and immunities in ſaid cathedral; any thing in this act to the contrary notwithſtanding.

ſaving cathedral rights, &c.

Churches.

XL. *Stat.* 21 & 22 *Geo.* 3. *cap.* 52. *ſect.* 1. Where church-wardens neglect for ſix calendar months, to ſue predeceſſors for a neglect or refuſal to collect pariſh ceſſes, or having commenced ſuit within ſaid time, neglect to proſecute with effect, it ſhall be lawful for the biſhop or ordinary of the dioceſe in which every pariſh, union or chapelry ſo aſſeſſed ſhall lie, to ſue for and recover for the uſes for which ſuch aſſeſſment made (after a deduction of plaintiff's coſts of ſuit) from ſaid churchwardens or perſons, or either, ſo refuſing or neglecting, purſuant to the power by the recited act, to ſue or proſecute predeceſſors for not collecting pariſh ceſſes, all ſums contained in the appoſtment delivered to ſaid next predeceſſors of ſaid church-wardens, ſo to be ſued by ſaid biſhop or ordinary.

Church-wardens not ſuing in ſix months.

XLI. *ſect.* 2. Where church-wardens have accounted, but by refuſal or neglect, after a demand to pay balances of ſuch accounts in their hands to ſucceeding church-wardens, have ſubjected themſelves to be ſued for ſuch balances by their ſucceſſors, purſuant to ſaid act, it ſhall be lawful for ſuch biſhop or ordinary, to ſue for and recover for ſuch uſes, and with ſuch deduction of coſts, ſuch balances of account from the church-wardens or perſons, or either of them, refuſing or neglecting to ſue or proſecute predeceſſors for balances of accounts, purſuant to the power by ſaid act.

Biſhop or ordinary may ſue for balances of account.

XLII. *ſect.* 3. Where the ſum to be claimed by ſaid biſhop or ordinary againſt churchwardens neglecting to ſue predeceſſors purſuant to this and ſaid act, does not exceed twenty pounds, the ſame may be ſo ſued for and recovered by civil bill at the general aſſizes for the county, where ſuch pariſh, union or chapelry ſo aſſeſſed lies, or if in county of city of Dublin or liberties, in the civil bill court of Dublin before the recorder; and where ſums ſo claimed by ſaid biſhop or ordinary exceeds twenty pounds ſterling, the ſame to be ſued for and recovered by action of debt, bill or plaint in any of four courts in Dublin.

Where not above 20l. by civil bill.

Where above 20l. in the 4 courts.

XLIII. 4. *ſect.* Whereas the mother church of the pariſh of Ferns hath been in ruins paſt the memory of man; and the cathedral of ſaint Edan otherwiſe Mogue Ferns, in the town of Ferns, hath been made uſe of from its convenient ſituation for all legal purpoſes of a pariſh church: all acts heretofore in ſaid cathedral as the mother church of ſaid pariſh, ſhall be as good and valid in law to all intents as if ſaid cathedral had been the mother church; and for the future the ſaid cathedral be deemed the mother church of Ferns, for all legal purpoſes within ſaid pariſh, without prejudice to the rights, privileges, or immunities of ſaid cathedral, and alſo ſaving to the biſhop and ſucceſſors, and dean and chapter, and ſucceſſors, their reſpective and diſtinct rights, priviledges and immunities in ſaid cathedral, any thing in this act to contrary notwithſtanding.

Cathedral of Ferns the pariſh church.

ſaving rights of the biſhop and dean and chapter.

Church Lands.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 17. *ſect.* 1. In all caſes hereafter, where any archbiſhop, biſhop, or other eccleſiaſtical perſon, ſhall purchaſe to them and their ſucceſſors, houſes already built, with conveniencies belonging, or lands fit for ſuch buildings, with the conſents, and for the purpoſes mentioned in the act 10 William the third, the purchaſe money, and the expence of buildings, additions, and repairs being aſcertained, and a certificate granted in the manner directed by the act of twelfth of George the firſt, ſhall be repaid by the ſucceſſors,

On purchaſe by eccleſiaſticks as by 10 W. c. 6. expences aſcertained and certificate as by 12 G. c. 10. repaid by ſucceſſors.

ſucceſſors, in the proportions, at the times, and in the manner directed by the laſt mentioned act.

Perpetual leaſes, a purchaſe.

II. *ſect.* 2. A fee-farm leaſe, or a leaſe of lives with a covenant of renewal for ever, ſhall be deemed and taken to be a purchaſe within the intention and meaning of this act, and a ground rent may be reſerved out of the premiſes ſo purchaſed.

On certificate for new buildings or neceſſary improvements on a new ſite as by 12 G. 1. c. 10. the full ſum from ſucceſſor.

III. *ſect.* 3. In all caſes, where any archbiſhop, biſhop or other eccleſiaſtical perſon ſhall from and after the paſſing of this act, obtain a certificate for erecting new buildings or for making other neceſſary improvements on a new ſite within his demeſne, glebe, or menſal lands, in ſuch manner as is by the in part recited act directed, ſuch archbiſhop, &c. his executors or adminiſtrators reſpectively ſhall, from his next and immediate ſucceſſor, inſtead of three fourths, have and receive the full ſum comprized and ſpecified in ſuch certificate.

Not exceeding 2 years income.

IV. *ſect.* 4. Such ſum ſhall not exceed the clear value of two years income.

Not extended to former improvements,

V. *ſect.* 5. This act ſhall not be conſtrued to extend to any repairs, additions, or improvements which ſhall be made to any buildings or other improvements, formerly made, but every ſuch archbiſhop, biſhop, and other eccleſiaſtical perſon, making ſuch repairs, additions, and improvements as aforeſaid, ſhall receive the ſame proportion of the money expended, to which they were intitled before the making this act; and ſucceſſor intitled to three-fourths, ſuch ſucceſſor, having paid the ſum ſo certified as aforeſaid, he, or his executors or adminiſtrators, ſhall be intitled to and receive three-fourths thereof from his next ſucceſſor, which ſucceſſor having paid ſaid three-fourths of the firſt ſum, he or his executors or adminiſtrators, ſhall be intitled to and receive two-thirds thereof, that is, one moiety of the ſum firſt certified, from his next ſucceſſor, which ſucceſſor having paid ſaid moiety of the firſt ſum, ſhall be intitled to and receive from his next ſucceſſor one half thereof, that is, one fourth of the ſum in the firſt certificate; all which ſums ſhall and may be recovered within the times, and in the ſame manner, as is appointed by the ſeveral laws now in being, relative to the payment and recovery of money laid out in buildings and improvements on the demeſne or menſal lands and glebes of archbiſhops, biſhops, or other eccleſiaſtical perſons.

next two-thirds,

next one-fourth,

as by the ſeveral laws now in being.

The three-fourths paid as by 12 G. 1. c. 10.

VI. *ſect.* 6. Such ſucceſſor to the perſon, who obtained the ſaid certificate, ſhall pay three fourths of the ſums ſo certified in the proportions, at the times, and in the manner as is directed by the in part recited act, but ſhall not be compellable to pay the laſt remaining fourth of the ſum ſo certified and made payable by this act, until the end of two years, to be computed from the time he became chargeable with the payment of the whole ſum certified as aforeſaid.

the laſt fourth not till the end of 2 years.

Though evidence of conſolidations or appropriations loſt, the whole value inſerted in the valuation and certificate.

VII. *ſect.* 7. Where any buildings and improvements have been or ſhall be made on any glebe or menſal lands belonging to any dean, archdeacon, prebendary, or other dignitary, or on lands belonging to any benefice, rectory or vicarage, which have been united or conſolidated to ſuch dignities from time immemorial, or for the conſolidation and appropriation thereof royal charters have been granted, though the evidence of ſuch conſolidations and appropriations is now loſt by the length of time and the troubles of this kingdom; in all ſuch caſes the whole value of all ſuch dignities, and the ſeveral livings thereto united, annexed, or appropriated, ſhall be included

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and inſerted in the valuation, and the certificate granted for ſuch buildings and improvements.

VIII. *ſect.* 8. It ſhall be lawful for any eccleſiaſtical perſon having any benefice with cure of ſouls, with conſent and approbation of the archbiſhop or biſhop, ſignified by writing under his hand and ſeal, to change the ſite of the glebe houſe to ſuch benefice belonging, and to make, build, or erect a new glebe houſe, out houſes, orchards, gardens, and other neceſſary improvements on any other part of his glebe land belonging to his benefice, that ſhall be more fit and convenient for the reſidence of him and his ſucceſſors; and ſuch eccleſiaſtical perſons, who ſhall build and improve in manner aforeſaid, or have already built and improved on a new ſite, and have procured or ſhall procure ſuch certificate, as is directed by ſaid former acts, ſhall be entitled to all the encouragements, and have, take, receive, and recover all ſuch ſums, as they would or might be entitled to for the building ſuch houſe, and making ſuch improvements by ſaid former acts, and this act; and the immediate ſucceſſors of ſuch incumbents, and their ſucceſſors reſpectively, and their reſpective executors or adminiſtrators, ſhall be intitled to and receive ſuch proportions of the money laid out and expended in erecting ſuch new houſe, and making other improvements, as they would be reſpectively intitled to by virtue of ſaid former acts, or this act; the ſaid ſeveral and reſpective ſums to be received and recovered at ſuch times, and in ſuch manner, and by ſuch ways and methods, as eccleſiaſtical perſon are enabled by ſaid former acts, and this act, to recover any money laid out in building and making other improvements on their glebe lands.

Sites of glebe houſes changed, building and improvements on more convenient part,

intitled to all encouragement.

IX. *ſect.* 9. No eccleſiaſtical perſon, who at the time of his building or improving on ſuch new ſite ſhall have a manſion houſe on his glebe, ſhall be intitled to or have any certificate for ſuch new building or improvements, until he ſhall execute and perfect a good and ſufficient releaſe and diſcharge of all demands whatſoever, that he, his executors, or adminiſtrators might, or could have had, or be intitled unto, for or on account of the building or improving of that houſe, whereof the ſite ſhall be changed purſuant to this act.

No certificate for ſuch new building, &c. unleſs all demands for the houſe, whoſe ſite changed, releaſed.

X. *ſect.* 10. No eccleſiaſtical perſon that has changed or ſhall change the ſite of his glebe houſe, and make new buildings and improvements, ſhall, from the time he ſhall ſo build and improve, be obliged to keep the former glebe houſe or out houſes, in repair, or be chargeable with dilapidations for not repairing thereof.

Not obliged to repair the former.

XI. *ſect.* 11. In all caſes whatſoever, where any dilapidations have happened, either by neglect of the incumbent, or any of his predeceſſors, and the glebe houſes or other improvements are out of repair, or in a ruinous or decayed condition for want of the proper, annual, and neceſſary repairs, it ſhall be lawful for the ſeveral archbiſhops and biſhops within their reſpective dioceſes, (after ſuch commiſſion iſſued, and ſuch ſteps taken, to aſcertain ſuch ſums, as ſhall be adjudged reaſonable to be expended for repair of ſuch dilapidations, as by an act made in the eighth of his preſent Majeſty, and the laws now in force in this kingdom are directed) to iſſue a monition under ſeal to the incumbent, admoniſhing him, within a certain time ſpecified, effectually to repair all ſuch defects, as have ſo happened by means of ſuch dilapidations, and to reſtore the ſame, and put the ſaid houſe and other improvements in ſuch ſtaunch and habitable order and condition, as that the ſame may be fit and proper for the reſidence of the incumbent and his ſuc-

On dilapidations, commiſſion and adjudication as by 7 G. 3. c. 9. biſhop's monition to iſſue, to incumbent for repair,

ceſſors; and in caſe the incumbent, after being duly ſerved, refuſe or neglect to obey, the ſeveral archbiſhops and biſhops, within their dioceſes, are hereby ſpecially required to put one moiety of the rents and profit of ſuch benefice or other eccleſiaſtical preferments, under ſequeſtration, until a ſum received ſufficient to anſwer the purpoſes of ſaid monition, and to put ſuch houſe or other improvements in ſtaunch and habitable order and condition, ſo as to be fit and proper for the reſidence of the incumbent and his ſucceſſors; and every ſuch incumbent, or in caſe a vacancy ſhall happen, every ſucceſſor ſhall effectually repair all ſuch defects, as were ſpecified in the ſaid monition, and ſhall receive from time to time from ſuch ſequeſtrator, ſuch ſums, as ſhall be neceſſary to compleat ſuch repairs, and in the ſpace of twelve months ſhall produce proper vouchers to the archbiſhop or biſhop, that the money, raiſed in manner aforeſaid, has been juſtly laid out in ſuch repairs.

or a ſequeſtration of a moiety,

vouchers of repair in 12 months.

Former laws againſt dilapidations unleſs altered, in force.

XII. *ſect.* 12. Nothing in this act ſhall be conſtrued to extend to take away from the force of any law or ſtatute now in being, to prevent dilapidations, but the ſame ſhall continue in full force, as if this act never made, unleſs where altered or amended by this act.

Citations.

Citations *ex mero officio*.

I. *Stat.* 6 *Geo.* 1, *cap.* 6. *ſect.* 9. No citation *ex mero officio* ſhall be iſſued out of any eccleſiaſtical court againſt any perſon on account of any crime which is puniſhable or corrigible by the eccleſiaſtical law, except ſuch crime or immorality ſhall in the manner hereafter mentioned appear to have been committed within two years before the iſſuing of ſuch citation.

Voluntary promoters.

II. *ſect.* 10. Every voluntary promoter of office applying to any eccleſiaſtical judge for the iſſuing a citation on account of any crime aforeſaid, or ſome credible witneſs voluntarily offering himſelf to be produced by the ſaid promoter, and to be examined, ſhall before the obtaining of ſuch citation, be perſonally interrogated and examined upon oath by ſuch eccleſiaſtical judge, concerning the grounds and reaſons of iſſuing ſuch citation.

Examination in writing.

(2) And all eccleſiaſtical judges are required to cauſe the examinations of ſuch promoter or witneſs to be reduced into writing and ſubſcribed by the examinant, and to atteſt the ſame as repeated before the ſaid judge, and then to lodge ſuch written examination ſo atteſted in the regiſtry of the court whereof he is judge.

Limitation of two years.

(3) And in caſe it ſhall not appear by ſuch examination that the ſaid crime has been committed within two years as aforeſaid, no citation ſhall iſſue, and after publication is decreed, the judge ſhall cauſe the ſaid examination to be annexed unto ſuch depoſitions as are taken in the cauſe depending on ſuch citation.

Failure in proof.

(4) And if upon hearing of the cauſe it ſhall appear that ſuch voluntary promoter has failed in proving what in the ſaid examination was alledged, ſuch promoter ſhall be condemned in double coſts.

Preſentments to be on oath.

III. *ſect.* 11. All perſons who by law are required or enabled to make preſentments unto any eccleſiaſtical judge, ſhall before ſuch preſentment be received, and citation thereupon granted, upon oath be interrogated and examined, or produce ſome credible witneſs to be interrogated and examined by the eccleſiaſtical judge unto whom ſuch preſentment is made, which examination ſuch judge is to cauſe to be reduced into writing and to atteſt, as alſo to

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lodge in the regiſtry, and to annex the ſame unto the depoſitions in manner above mentioned.

(2) And in caſe it ſhall not appear by the ſaid examination that there is ſufficient ground for ſuch preſentment, or that the crime or immorality in ſuch preſentment mentioned, was committed within two years before the making thereof, no citation ſhall iſſue thereupon. Sufficient ground.

(3) And if upon hearing the cauſe upon ſuch preſentment inſtituted, the allegations in ſuch examination contained ſhall not be ſufficiently proved, or if the perſon preſented ſhall otherwiſe purge himſelf according to law from the charge for which he is ſo preſented, ſuch perſon ſhall forthwith be diſmiſſed without any fees to be paid. No fees on diſmiſſion.

IV. *ſect.* 12. All citations by any eccleſiaſtical judge, to be iſſued either at the inſtance of ſuch voluntary promoter of the office, or upon preſentment without ſuch examinations as are herein before required, ſhall be of none effect, and all proceedings thereon ſhall be null and void. Proceedings null and void.

V. *ſect.* 13. In all cauſes hereafter to be commenced in any eccleſiaſtical court on account of defamation cognizable in the eccleſiaſtical court, it ſhall be lawful for the judge of ſuch court, at the motion of either party, to proceed in a ſummary way, and ſuch ſummary way of proceeding in any cauſe of defamation ſhall be as valid as if the ſame had been in the ordinary and plenary way. Summary hearing on defamation.

VI. *ſect.* 14. Nothing in this act ſhall extend to hinder any archbiſhop or biſhop, or their vicars-general, or any ordinary, from proceeding againſt any eccleſiaſtical perſons ſubject to their viſitation and within their juriſdictions, for any neglect of duty, or for any fault cognizable in the eccleſiaſtical court, either at their viſitations or otherwiſe, in the like manner as they could do if this act had never been made. Saving againſt eccleſiaſticks.

Civil Bills.

I. *Stat.* 2 *Geo.* 1. *cap.* 11. *ſect.* 1. It ſhall be lawful for the judges of aſſize in their circuits to determine in a ſummary way, by Engliſh bill, or paper petition in Engliſh, all diſpūtes between party and party for any ſum not exceeding ten pounds. (But by the act, 1 *Geo.* 2. *cap.* 14. *ſect.* 1. *the ſum is enlarged to twenty pounds*) in actions of debt, *aſſumpſit* and *inſimul computaſſet*, and five pounds in actions of *trover*, *quantum meruit*, *treſpaſs* or *detinue* for goods, ſo as the title of lands be not drawn in queſtion, in which proceeding the defendant ſhall have the benefit of all matters in his defence that he might have had if he had been ſued in the ordinary forms of common law or in equity. Engliſh bills.

(2) And the ſaid judges are required ſo to do, and to decree execution thereupon, or to diſmiſs ſuch bill with coſts againſt the body or goods of the parties againſt whom they ſhall give ſuch decree or diſmiſs, as alſo intereſt thereupon in all caſes where in equity intereſt ought to be decreed. Coſts on decree or diſmiſs.

(3) And in caſe any judge before whom ſuch demand ſhall be tried ſhall think it proper to have any fact controverted in the cauſe tried by a jury, in ſuch caſe a jury ſhall be returned inſtantly by the proper officer to try ſuch facts as ſhall ſeem doubtful to ſuch judges, and the judges ſhall make their decree on the verdict of ſuch jury, for the returning of which jury the returning officer ſhall have one ſhilling, and the judges clerk for entering ſuch verdict ſix pence. Trial by a jury.

Iſſuing proceſs.

II. *ſect.* 2. The judges of aſſize, or either of them, ſhall iſſue a proceſs under the hand of the ſaid judges or their clerk, wherein ſhall be expreſſed the plaintiff and defendants name, and cauſe of action, and the day and place of appearance, which proceſs ſhall be made returnable the firſt or ſecond day of every aſſizes, at the direction of the judges.

Perſonal ſervice.

(2) And no cauſe ſhall be heard, or decree pronounced upon ſuch petition or Engliſh bill, until it ſhall be proved in open court upon oath by ſome perſon that is of the age of ſixteen years and upwards, and can read ſuch proceſs, that the defendant was perſonally ſerved with ſuch proceſs (*See ſtat.* 8 *Geo.* 1. *cap.* 6. *ſect.* 4.) ſix days incluſive before the firſt day of that aſſize, by ſhewing the defendant the original proceſs, and ſerving him with a copy thereof.

Or at the place of abode.

(3) And in caſe the defendant cannot be met with, and is not then out of the kingdom, by ſhewing the original proceſs to, and leaving a copy of the ſame with the defendant's wife, ſon, daughter, or menial ſervants, being of the age of ſixteen years, at the defendant's uſual place of abode, the ſame being within ſuch county wherein ſuch aſſizes are to be held.

Non-appearance.

(4) And if the defendant do not appear after ſervice of ſuch proceſs in ſuch manner, and proved upon oath as aforeſaid, it ſhall be lawful for the ſaid judges, or any of them, in open court to determine the ſaid cauſe upon examination of credible witneſſes in open court.

Proof of contracts.

(5) And in caſe of debt or contract by writing, the ſaid judges may determine upon examination as aforeſaid, or by affidavit in writing made before the ſaid judges, or any one of them, to prove the perfection of the ſaid deed, bill, bond, or contract, and to prove their hand ſubſcribed to the ſame, and to decree for the plaintiff, or diſmiſs his bill or petition, as ſhall ſeem juſt.

Execution on decrees.

(6) And iſſue executions returnable the next aſſizes for recovery of all ſums decreed, and ſuch coſts as are herein after mentioned, to be directed to the ſheriff of all or any counties within this kingdom, againſt the body or goods of the defendants in caſe of a decree, and againſt the body or goods of the plaintiffs in caſe of a diſmiſs, which the ſheriff to whom the ſame ſhall be directed ſhall execute in like manner as any execution iſſued out of any of the Four-courts, and ſuch ſheriff ſhall grant a ſpecial warrant, when demanded by the plaintiff, at the peril of ſuch plaintiff, taking one ſhilling and no more for the ſame.

Puniſhment of ſheriffs.

(7) And the ſaid judges may inflict ſuch puniſhment on ſheriffs for their contempt, negligence, or miſbehaviour therein, as other judges do in the executing proceſs iſſued out of any of the Four-courts at Dublin.

Plaintiffs not proceeding.

(8) And if the plaintiff ſhall not file his bill within twenty four hours after the return of the proceſs, or ſhall not proceed in his cauſe when required by the court, after ſerving the defendant with proceſs to appear as aforeſaid, the ſaid judges upon oath made that the defendant was ſerved on the plaintiff's behalf with ſuch proceſs, ſhall diſmiſs the ſaid defendant, and decree him ſuch coſts as herein after appointed, and iſſue execution for recovery thereof as aforeſaid.

Diſmiſs with coſts.

(9) And where the aſſizes ſhall at any place exceed four days, ſuch judges upon application made on the fourth day after the return of the proceſs, or on any ſubſequent day during ſuch aſſizes, ſhall oblige the plaintiff to proceed in ſuch cauſe, and in default of his ſo doing ſhall diſmiſs the bill for want of proſecution, and award the defendant his coſts.

Not to appear out of the county.

III. *ſect.* 3. Provided that no perſon ſhall be obliged to appear before the ſaid judges upon any ſuch proceſs, at any aſſize out of the county where the defendant lives with his family or uſually reſides.

IV. *ſect.*

IV. *ſect.* 4. Every perſon who ſhall be ſerved with proceſs to teſtify concerning any cauſe depending at the aſſizes or ſeſſions to be held for the county, city, or town where he ſhall then inhabit or reſide, and ſhall at the ſame time have his reaſonable coſts, to be determined by ſuch judge or juſtices for ſuch attendance tendered unto him, ſhall be obliged to appear and give his teſtimony, or in default thereof, ſhall forfeit to the party grieved for every ſuch offence, ſuch ſum not exceeding twenty ſhillings, as by the direction of the judges who ſhall iſſue ſuch proceſs, ſhall be reaſonably awarded according to the loſs that the party who procured the ſaid proceſs ſhall ſuſtain by reaſon of the non-appearance of the ſaid witneſſes, to be recovered by the party ſo grieved againſt the offenders before the judges of aſſize, in ſuch manner as in other cauſes before mentioned. Coſts to witneſſes.

V. *ſect.* 5. Provided that it ſhall be lawful for any perſon aggrieved by the decree of the ſaid judges, to appeal to the next going judges of aſſize for the ſame county, which appeal the ſaid judges are required to receive and ſtop all proceedings on the decree pronounced, the party appealing firſt paying the adverſe party coſts allowed in this act, and entering before the ſaid judges into a recognizance of double the ſum decreed, with ſufficient bail to pay the ſum decreed, with intereſt and coſts, in caſe no relief ſhall be had upon ſuch appeal. Appeal from decrees.

(2) And if any fact ſhall be controverted in ſuch appeal, and ſhall appear doubtful to ſuch judges, ſuch facts ſhall be tried by a jury to be returned immediately at the prayer of the party before the judges of the next aſſize to be held for ſuch county where ſuch appeals do lie, and decrees and executions ſhall be given thereon in manner as aforeſaid, which ſaid verdict, decree, and execution ſhall be concluſive to all parties, and the ſame ſhall not be controverted in any court of equity. Trial by a jury.

VI. *ſect.* 6. Any perſon who ſhall conceive himſelf aggrieved by ſuch decree, and ſhall not enter into ſuch recognizance as aforeſaid, may depoſite the money decreed againſt him in the hands of the ſheriff, and enter into a bond of five pounds, with condition to abide the decree of the next coming judges of aſſizes, and on his ſo doing, the ſheriff ſhall forbear further proceedings on the ſaid decree until the next enſuing aſſize. Depoſiting money, &c.

VII. *ſect.* 7. The court held by the ſaid judges for determining the ſaid cauſes in a ſummary way, by Engliſh bill or petition as aforeſaid, ſhall be a court of record, and in caſe any perſon who ſhall be examined on oath before any judge by virtue of this act, ſhall commit wilful perjury, and be thereof duly convicted, ſuch perſon ſhall be ſet in the pillory for one hour, and have his ears nailed thereto. Court of record.

VIII. *ſect.* 8. The ſeveral fees following, and no more, ſhall be taken from any perſon ſuing or ſued in the ſaid court, that is to ſay, to the attorney for ſigning the proceſs, drawing, ſigning, and entering the bill, two ſhillings and ſix pence; for attending the hearing of the cauſe, drawing up the decree or diſmiſs thereon, two ſhillings for his own pains; for the recognizance and bail taken on an appeal, one ſhilling; and if on the appeal the matter be found againſt the appellant, ſuch appellant ſhall pay double coſts. Fees on civil bills.

(2) And no plaintiff ſhall be obliged to retain, or to have their bill ſigned by counſel, and in caſes wherein counſel appears for the plaintiff, if the plaintiff recover five pounds or more, they ſhall be taxed ten ſhillings coſts for ſuch counſel, over and above other fees by this act allowed, and the like Retaining counſel.

fees

fees allowed for counſel for the defendant, where the demand againſt him is five pounds or upwards, if counſel appear for him, and the plaintiff be diſmiſſed.

Clerk of the civil-bills.

(3) To the clerk of the civil bills, for the proceſs ſix pence; for entering the bill ſix pence; for every decree or diſmiſs twelve pence; to each judge for ſigning every decree or diſmiſs twelve pence; for every recognizance twelve pence; for taking an affidavit in writing ſix pence; to the ſheriff ſix pence for every pound contained in any execution againſt the body of the party where ſuch party ſhall be taken in execution; as alſo ſix pence for every pound which ſhall be levied by the ſheriff or their bailiffs, and not by any ſpecial bailiff named at the peril of the perſon at whoſe ſuit ſuch execution is granted, to be retained by the ſheriff out of the money ſo levied, and not to be demanded before the execution ſhall be executed.

Sheriff's fees.

Suffering eſcapes.

IX. *ſect.* 9 If any ſheriff ſhall ſuffer any perſon taken in execution, by virtue of ſuch decree or diſmiſs to make his eſcape, he ſhall be liable to the payment of the debt and damages in ſuch decree mentioned, to be recovered before the judges of aſſize in ſuch manner as in other cauſes before mentioned.

Renewing decrees.

X. *ſect.* 10. If any decree or diſmiſs obtained from the judges of aſſize, be not executed before the next aſſize, it ſhall be lawful for the plaintiff in ſuch decree, or defendant in ſuch diſmiſs, or their executors or adminiſtrators to renew the ſame either of the two next following aſſizes to be held for the ſaid county, the plaintiffs or defendants firſt making oath, or giving reaſonable ſatisfaction to the judges of aſſize, that they have received no part thereof, or if any part be received, then to renew the ſame for the ſum remaining due on ſuch decree or diſmiſs, which orders of renewal may in like manner be from time to time renewed, till the money decreed be fully paid, paying to the attorney for drawing up the ſame twelve pence; and to each judge for ſigning twelve pence; and to the judges clerk for entering ſix-pence.

Fees for renewals.

Books of entries.

(2) And the book wherein the ſaid cauſes are regiſtered, ſhall be depoſited by the clerks of the judges of aſſize at the end of the aſſize, in the hands of the clerk of the crown of the reſpective counties, to be ready to be produced to the next going judge of aſſize, to make out renewals of decrees if occaſion ſhall be.

Attornies.

XI. *ſect.* 12. No perſon ſhall be admitted to practiſe as an attorney before any judge of aſſize, in the recovering of any of the ſaid ſmall debts, but perſons admitted attornies in one of his Majeſty's four-courts in Dublin, and who appear every iſſuable term in one of the ſaid four-courts, and pay commons and other duties to the ſteward of the inns.

Judges clerks.

(2) And no judges clerk or regiſter of the civil bills, ſhall be admitted to practiſe in the circuit, as attorney for any plaintiff or defendant in any ſuit by Engliſh bill, purſuant to this act, in his own or in any other man's name, and if any perſon ſhall offend herein, he ſhall forfeit for every ſuch offence twenty pounds, to be recovered by ſuch perſon who will ſue for the ſame by action of debt, *&c.* in any court of record, in which no eſſoign ſhall lie, or more than one imparlance.

Juſtices of peace.

(3) And no attorney ſhall be ſuffered to practiſe in any of the cauſes aforeſaid, in any county wherein he ſhall be a juſtice of peace.

Seſſions for the county of Dublin.

XII. *ſect.* 13. Such of his Majeſty's judges or counſels, who ſhall, with the juſtices of peace for the county of Dublin, hold the general quarter-ſeſſions for the ſaid county, ſhall, in like manner at the general ſeſſions of the peace, determine all the aforeſaid cauſes of action for ſmall debts or damages aforeſaid, in ſuch manner and under ſuch fees and regulations as the judges of aſſize are impowered,

impowered, and thereupon iſſue ſuch proceſs and execution as before are appointed, and every perſon that ſhall apprehend themſelves to be aggrieved thereby, to have the like benefit of appeal as before is directed.

XIII. *Stat.* 8 *Geo.* 1. *cap.* 6. *ſect.* 4. The ſhewing the original proceſs or ſummons unto, and leaving a copy thereof at the defendants houſe, with any relation of the defendants living within the defendants houſe, and being of the age of ſixteen years and upwards, ſhall be good ſervice of the defendants *in a ſuit by civil bill purſuant to* Stat. 2 Geo. 1. cap. 11. Service of proceſs.

XIV. *Stat.* 1 *Geo.* 2. *cap.* 14. *ſect.* 1. It ſhall be lawful for the judges of aſſize in their reſpective circuits, and for his Majeſty's judges or council, who with the juſtices of the peace of the county of Dublin, ſhall hold the general quarter ſeſſions of the peace for the county at the ſaid ſeſſions, to determine on ſuch Engliſh bill, as by *Stat.* 2 *Geo.* 1. *cap.* 11. *is directed for ſums under ten pounds*, any diſpute betwixt party and party, for any ſum not exceeding twenty pounds, in all actions of debt on any bill or ſpecialty for payment of money only, or actions on the caſe on any promiſſory note, or inland bill of exchange, and to make decrees, and to iſſue proceſs and executions in the ſame manner, and under ſuch fees, regulations and directions, and with like benefit of appeal, and remedy againſt witneſſes and againſt ſheriffs for neglect of their duty, as by the ſaid act is appointed in relation to the actions therein mentioned. Sums not exceeding twenty pounds.

XV. *ſect.* 2. Provided that when any perſon ſhall, in manner aforeſaid, ſue for any ſum exceeding ten pounds, the defendant, or in his abſence, if he is not then out of the kingdom, his wife, ſon, daughter, or any other relation or ſervant of the age of ſixteen years, and dwelling in his houſe, ſhall be ſerved with proceſs by ſhewing the original and leaving a copy thereof with them twelve days inclufive before the firſt day of the aſſizes or ſeſſions at which ſuch proceſs is returnable. Service of proceſs.

XVI. *ſect.* 3. No decree ſhall be made by virtue of any warrant of attorney, to confeſs judgment on any bond entered into for the payment of a ſum determinable by this or the ſaid former act, unleſs proceſs be ſerved on the perſon ſo bound as in other caſes is directed; and in every ſuch caſe the defendant ſhall have the benefit of every defence he could have had either in law or equity. Benefit of defence.

XVII. *ſect.* 4. Any ſheriff who ſhall neglect to pay over the ſum depoſited with him by virtue of this or the ſaid former act, or ſhall refuſe or neglect to pay over any ſum levied by virtue of any execution of ſuch decree or diſmiſſion to the perſons intitled thereto, or to ſuch perſons as by them ſhall be autho·ized to receive the ſame, upon demand made, ſuch ſheriff ſo offending, ſhall forfeit to the party aggrieved double the ſum depoſited with or received by ſuch ſheriff, with legal intereſt for the ſame from the time of ſuch demand, to be recovered by civil bill before the judges of aſſize, or before the juſtices of the quarter-ſeſſions of the county of Dublin, in like manner as other ſums are made recoverable by this preſent or the ſaid recited act Penalty on ſheriffs.

XVIII. *ſect.* 5. No decree ſhall be renewed more than twice, without ſerving proceſs thereon, unleſs the party obtaining ſuch decree ſhall by affidavit make it appear to the judges impowered to renew the ſame, that he hath uſed his utmoſt endeavours to have the ſaid decree executed. Renewal of decrees.

XIX. *Stat.*

2 G. 1. c. 11. 8 G. 1. c. 6. 1 G 2. c. 14. recited, ſaid acts, as to the right and manner of appeal from general quarter ſeſſions, repealed, perſons aggrieved by order of ſaid ſeſſions under ſaid acts, may appeal to chief juſtice of king's bench or common pleas, or chief baron, or other juſtice of *Niſi Prius* at ſittings for Dublin, after Eaſter or Michaelmas following.

XIX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 26. *ſect.* 1. Whereas under the acts ſecond and eighth of George the firſt, and in firſt of George the ſecond, for recovery of ſmall debts by civil bill, ſuch judges or council, who ſhould, with the juſtices for county of Dublin, hold general quarter ſeſſions, were impowered to determine certain cauſes for ſmall debts, as judges of aſſize were impowered, and with like benefit of appeal; and appeals could only be brought from one of ſaid ſeſſions to the next, ſo that the ſame judge doth uſually determine ſuch appeals from his own decrees contrary to the nature and ſpirit of appeal; after firſt Auguſt, one thouſand ſeven hundred and eighty, ſo much of ſaid acts, as reſpect the right or manner of bringing appeals from decrees, diſmiſſes or orders of general quarter ſeſſions under ſaid acts, ſhall be repealed, and it ſhall be lawful for any that think themſelves aggrieved by any decree, diſmiſs or order at ſaid general quarter ſeſſions by virtue of ſaid acts, or any of them, to appeal to the chief juſtice of king's bench, or common pleas, or chief baron of exchequer, or other juſtice of *niſi prius* in ſaid courts at their ſittings of *niſi prius*, for Dublin, after Eaſter or Michaelmas term following ſuch decree, diſmiſs or order, in ſame manner, and under ſuch fees, regulations, reſtrictions and directions, as in the act thirty firſt George the ſecond with reſpect to appeals from decree or diſmiſs of the recorder of Dublin is directed; and ſaid juſtices of *niſi prius* are required at their ſittings, which for this purpoſe they may hold in their reſpective courts, or other convenient place in ſaid city or liberties, and continue by adjournments, to hear and determine ſaid appeals under ſuch regulations, fees and powers, and in like manner as by ſaid acts provided for appeals to next judges of aſſize.

Clergy, Benefit of.

Second felony.

I. *Eng. Stat.* 4. *Hen.* 7. *cap.* 13. Every perſon not within orders which once hath been admitted to the benefit of his clergy, eſtſoons arraigned of any ſuch offence, ſhall not be admitted to the benefit of clergy.

Burning in the hand.

(2) And every perſon ſo convicted for murder ſhall be marked with an *M.* upon the brawn of the left thumb, and for any other felony the ſame perſon ſhall be marked with a *T.* in the ſame place; theſe marks to be made by the gaoler openly in court.

Letters of orders.

(3) If any perſon at the ſecond time of aſking his clergy, becauſe he is within orders, hath not ready his letters of orders, or a certificate of his ordinary, the juſtices ſhall give him a day to bring in the ſame.

Murderers excluded.

II. *Eng. Stat.* 12 *Hen.* 7. *cap.* 7. If any lay perſon prepenſedly murder their lord, maſter or ſovereign immediate, they ſhall not be admitted to their clergy.

Clergy taken from divers offenders.

III. *Stat.* 11, 12 & 13 *Jac.* 1. *cap.* 3. *ſect.* 1. If any perſon ſhall commit any felonious raviſhment of any maid, wife, widow or damoſel, (1.) or any felonious burglary, or ſhall rob any perſon in their dwelling-place, the owner, his wife, children or ſervants, then being in or about the ſaid place, or ſhall rob any perſon in any booth or tent in any fair or market, the owner, his wife, child or ſervant, then being within the ſame booth or tent, (2.)

or

or ſhall rob any perſon in or near any highway, path or paſſage, (3.) or ſhall rob any church or chapel, (4.) or ſhall ſteal any horſe, (5.) and being indicted or appealed of any of the ſaid felonies, and found guilty by verdict of twelve men, or ſhall confeſs the ſame upon their arraignment, or will not anſwer directly according to the laws, or ſhall wilfully ſtand mute, or peremptorily challenge above the number of twenty jurors, (6.) or ſhall be outlawed upon the indictment, ſhall ſuffer death without benefit of clergy.

No delivery to the ordinary.

IV. *ſect.* 2. Every perſon which ſhall be allowed to have the benefit of clergy, ſhall not thereupon be delivered to the ordinary as hath been accuſtomed, but after ſuch clergy allowed, and burning in the hand, ſhall be enlarged and delivered out of priſon by the juſtices or other magiſtrate before whom ſuch clergy ſhall be granted, ſaving that the ſame juſtice or magiſtrate may for the further correction of ſuch perſons to whom clergy ſhall be allowed, keep them in priſon for ſuch convenient time as the ſame juſtice or magiſtrate in their diſcretions ſhall think fit, ſo as the ſame do not exceed one year's impriſonment. (*Eng. Stat.* 18 *Eliz. cap.* 7. *ſect.* 2. 3.)

Women guilty of felony.

V. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 16. Any woman convicted by her confeſſion, or by verdict of the felonious taking any money, goods or chattles, above the value of twelve pence, and under the value of ten ſhillings, or as acceſſary to any ſuch offence, the ſaid offence being no burglary nor robbery, in or near the highway, nor the felonious taking of any money, goods or chattles from the perſon of any man or woman privily, but only ſuch an offence as in the like caſe a man might have his clergy, ſhall, for the firſt offence be branded in the hand, upon the brawn of the left thumb with a hot burning iron, having a Roman T upon the ſaid iron, the ſaid mark to be made by the jailer openly in the court before the judge, and alſo to be further puniſhed by impriſonment, whipping, ſtocking or ſending to the houſe of correction, in ſuch ſort and for ſo long time, not exceeding the ſpace of one year, as the judges or juſtices before whom ſhe ſhall be ſo convicted, or which ſhall have authority in the cauſe, ſhall think meet, according to the quality of the offence, and then to be delivered out of priſon for that offence. (*Eng. Stat.* 21 *Jac.* 1. *cap.* 6.)

Anſwering other felonies.

VI. *Stat.* 15 *Car.* 1. *cap.* 7. All perſons which ſhall be admitted to have the benefit of their clergy, ſhall notwithſtanding be put to anſwer to all other felonies whereof they ſhall be indicted, or appealed, and not being thereof before acquitted, convicted, attainted or pardoned, and ſhall in ſuch manner be tried and ſuffer as they ſhould have done, if as clerks convict they had been delivered to the ordinary, and there had made their purgation. (*Eng. Stat.* 18 *Eliz. cap.* 7. *ſect.* 5.)

Robbery and burglary.

VII. *Stat.* 9 *Will.* 3. *cap.* 32. *ſect.* 1. Every perſon that ſhall rob any other, or feloniouſly take away any goods in any dwelling-houſe, the owner or any other perſon being therein, and put in fear, or ſhall rob any dwelling-houſe in the day time, any perſon being therein, or ſhall comfort and abet, aſſiſt, counſel, hire or command any perſon to commit any of the ſaid offences, or to break any dwelling-houſe, ſhop or ware-houſe thereunto belonging, or therewith uſed in the day-time, and feloniouſly take away any money or goods of the value of five ſhillings therein being, although no perſon ſhall be within ſuch dwelling-

houſe, ſhop or ware-houſe, or ſhall counſel, hire or command any perſon to commit burglary, being thereof convicted or attainted, or being indicted thereof ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall peremptorily challenge above twenty perſons returned to be of the jury, ſhall not have the benefit of their clergy.

Standing mute, &c.

Ouſted of clergy.

VIII. *ſect.* 2. Perſons indicted of any offence, for which by virtue of any former ſtatute they are excluded from the benefit of their clergy, if they had been thereof convicted by verdict or confeſſion, if they ſtand mute, or will not anſwer directly to the felony, or ſhall challenge peremptorily above twenty of the jury, or ſhall be outlawed thereupon, ſhall be ouſted of the benefit of their clergy, as if convicted of ſuch offence by verdict or confeſſion.

Conviction in another county.

IX. *ſect.* 3. If any perſons be indicted of felony for ſtealing goods in any county, and thereof be convicted, or upon their arraignment ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall challenge peremptorily above twenty perſons returned to be of the jury, they ſhall be excluded from the benefit of their clergy. If it appear upon evidence before the juſtices, that the ſaid goods were taken by robbery or burglary, or in any other manner in any other county, whereof if ſuch perſons had been convicted by a jury of the ſaid other county, they are excluded by virtue of this or any other act, from the benefit of their clergy.

Buying or receiving.

X. *ſect.* 4. If any perſons ſhall buy or receive any goods that ſhall be ſtolen, knowing the ſame to be ſtolen, they ſhall be deemed acceſſaries to the felony after the fact.

Stealing furniture, &c.

XI. *ſect.* 5. If any perſons ſhall take away with an intent to ſteal, embezzle or purloin any chattle or furniture, which by agreement they are to uſe, or ſhall be let to them to uſe in their lodging, ſuch taking, embezzling or purloining ſhall be adjudged to be larceny and felony.

Women guilty of felony.

XII *ſect.* 6. Where a man convicted of any felony may demand the benefit of his clergy, a woman convicted for the like offence, upon her prayer to have the benefit of this ſtatute, judgment of death ſhall not be given againſt her upon ſuch conviction or execution awarded upon any outlawry for ſuch offence, but ſhe ſhall ſuffer the ſame puniſhment as a man that has the benefit of his clergy allowed him in the like caſe, that is to ſay, ſhall be burned in the hand by the gaoler in open court, and be kept in priſon for ſuch time as the juſtices ſhall think fit, ſo as the ſame do not exceed one year's impriſonment.

Tenor of indictments.

XIII. *ſect.* 7. The clerk of the crown, clerk of the peace or clerk of the aſſizes, where ſuch man or woman ſhall be convicted, ſhall, at the requeſt of any in his Majeſty's behalf, certify a tranſcript containing the tenor of every indictment and conviction of ſuch man or woman, of his having the benefit of the clergy, or her having the benefit of this ſtatute, and addition of every ſuch perſon, and the certainty of the felony and conviction, to the judges in ſuch other county where ſuch man or woman ſhall be indicted, which certificate being produced in court ſhall be a ſufficient proof that ſuch man hath before had the benefit of his clergy, and ſuch woman hath had the benefit of this ſtatute. *(Eng. Stat. 3 & 4 Will. & Mar. cap. 9.)*

The clauſe of this act whereby the benefit of clergy was taken from perſons convicted of ſtealing cows, ſheep, &c. is expired; this clauſe was to continue for three years, and was made perpetual by Stat. 2 Ann. cap. 12. *but this*

this laſt act is repealed (as to that and ſome other parts) by Stat. 9 Ann. cap. 6. ſect. 8.

XIV. *Stat.* 9 *Ann. cap.* 6. *ſect.* 1. If any perſon convicted of any ſuch felony, for which he ought to have the benefit of his clergy, ſhall pray to have the benefit of this act, he ſhall not be required to read, but without any reading ſhall be allowed to be, and puniſhed as a clerk convict, which ſhall be as effectual and as advantageous to him as if he had read as a clerk. *(Eng Stat.* 5 *Ann. cap.* 6. *ſect.* 4.) Benefit of this act.

XV. *ſect.* 2. If any perſon ſhall unlawfully have carnal knowledge of any female child under the age of twelve years though with her conſent, every ſuch fact ſhall be felony, and the offenders therein being duly convicted, ſhall ſuffer as a felon without having the benefit of the clergy, or of this act. *(Eng. Stat.* 18 *Eliz. cap.* 7. *ſect.* 4. Knowing females under age.

XVI. *ſect.* 3. If any perſon ſhall ſteal or feloniouſly take away any goods of the value of five ſhillings out of any dwelling houſe or ſhop, or out of any ſtable or coach-houſe, or booth in any fair or market, or privily and ſecretly from the perſon of any man or woman, or ſhall feloniouſly ſteal any cow, bull, ox, or any ſteer, heifer, calf, or any ſheep or lambs, above the value of one ſhilling, and being indicted or appealed thereof, ſhall be found guilty by verdict, or ſhall confeſs the ſame on their arraignment, or will not anſwer directly according to law, or ſhall wilfully ſtand mute, or ſhall peremptorily challenge above twenty jurors, or ſhall be outlawed on the indictment, and all perſons who ſhall be acceſſary before or after to any of the aforeſaid reſpective facts, ſhall receive judgment and ſuffer death without benefit of the clergy, or of this act. *Eng. Stat.* 3 & 4 *Will. & Mar. cap.* 9.) Offences made felony.

XVII. *ſect.* 4. Provided that where any perſons ſhall be convicted of ſtealing of cows, bulls, oxen, ſteers or heifers, not exceeding the number of two, or of the ſtealing of calves, ſheep or lambs, not exceeding the number of ten, on all the indictments that ſhall be preferred againſt ſuch perſons at one and the ſame aſſizes, or ſeſſions of oyer and terminer, or gaol delivery, or in the ſame term in the Queen's-bench in caſe the juſtices before whom ſuch perſons ſhall be convict, ſhall, upon the application of the grand jury of the county at the ſaid term, aſſizes, or ſeſſions by preſentment in writing, think them fit objects of mercy, they that ſhall be ſo convict ſhall be burned in the hand only, and after ſuch burning in the hand, ſuch perſon ſhall be delivered out of priſon, unleſs ſuch juſtices ſhall, for further correction think it convenient to detain them in priſon for ſome longer time, which ſuch juſtices by rule of court or warrant under their hands are impowered to do, not exceeding one year's impriſonment. Objects of mercy.

XVIII. *ſect.* 5. The clerk of the crown, or clerks of the peace, or their deputies then officiating, where ſuch men or women ſhall be convicted, ſhall, at the prayer of any perſon on her Majeſty's behalf, certify a tranſcript briefly containing the effect of any indictment and conviction of ſuch men or women, and of their having had the benefit of clergy, or of the ſaid former ſtatute, or of this ſtatute; and alſo, ſhall certify the addition of every ſuch perſons, and the certainty of the felony and conviction, to the juſtices of ſuch county where ſuch man or woman ſhall be indicted, which certificate being produced in court, ſhall be a ſufficient proof that ſuch perſons were formerly convicted of the offences therein mentioned, and that they have already had the benefit of clergy, or of this or the ſaid former ſtatute, Tranſcripts of indictments.

tute, in the ſame manner as if the record were produced. (*Eng. Stat.* 3 & 4 *Will. & Mar. cap.* 9. *ſect.* 7.)

Second offence.

XIX. *ſect.* 6. Provided that no perſon who hath had the benefit of clergy allowed him, ſhall have the benefit of this act for any felony committed ſince his having had the benefit of clergy as aforeſaid, and that no perſon ſhall be allowed the benefit of this act more than once, but ſhall for any felony by him committed after being allowed the benefit thereof, be utterly debarred from having the benefit of the ſame again.

XX. *ſect.* 7. No woman who ſhall be convict of felony, or who ſhall have the benefit of the ſaid act made in the ninth year of King William, cap. 32. entitled, *an act for taking away the benefit of clergy in ſome caſes*, ſhall be entitled to the benefit of the ſaid act again, but ſhall ſuffer as ſhe would have been liable unto, if the ſaid act had not been made. (*Eng. Stat.* 4 & 5 *Will. & Mar. cap.* 24. *ſect.* 13.)

Repeal of ſtat. 2 Ann.

XXI. *ſect.* 8. The act 2 Ann. c. 12. is repealed, except the clauſes relating to the tranſportation of perſons convict for concealing, ſuccouring, abetting, or harbouring any tory, robber or rapparee, who is preſented as ſuch and proclaimed.

Clerks of the Crown and Peace.

Clerk of the crown's fees.

I. *Eng. Stat.* 2 *Hen.* 4. *cap.* 10. Where many be indicted of one felony or treſpaſs, and they all plead to iſſue, as not guilty, the clerk of the crown of the King's bench, ought not to take for the *venire*, nor for the entering of the plea, more than two ſhillings of them all.

Preſentments for clerks of the peace.

II. *Stat.* 25 *Geo.* 2. *cap.* 14. *ſect.* 3. It ſhall be lawful for the grand juries, if they ſhall think fit, at every aſſizes, to preſent any ſum not exceeding ten pounds, to be paid to the patentee clerk of the crown, and likewiſe any ſum not exceeding five pounds to be paid to the clerk of the peace, towards enabling them to defray the expences of attending and executing their office, and the ſeveral juſtices of aſſize as often as any ſuch preſentment ſhall be made, are authorized to allow and confirm the ſame, if they think fit.

Perſonal attendance.

III. *ſect.* 4. Provided, that no ſuch preſentment ſhall be made or confirmed for any ſuch ſum to be paid to any ſuch clerk of the crown, unleſs he ſhall perſonally attend at ſuch aſſizes, and perform the duties of his office, and ſhall make oath in open court if required, that he does not hold the ſaid office in truſt, in whole or in part for any other perſon.

Clerks, Pariſh.

Complaint to a juſtice.

I. *Stat.* 7 *Geo.* 2. *cap.* 7. *ſect.* 3. In caſe of any controverſy between pariſh clerks and the pariſhioners, in relation to dues, it ſhall be lawful for pariſh clerks to make their complaint in writing, to one juſtice of the peace of the county, county of a city, or county of a town, where the ſaid pariſhes lie, and the ſaid juſtices ſhall proceed to determine ſuch complaint, with the ſame powers, and in the ſame manner, and under the ſame reſtrictions, and with the like remedy of appeal as is directed by the act 1 Geo. 2. cap. 12. *for the more eaſy recovery of tithes and other eccleſiaſtical dues of ſmall value.* *See* Tit. Tithes.

This act is altered to all pariſh clerks, except thoſe of the pariſhes in the city and ſuburbs of Dublin, by the following ſtatute.

II. *Stat.* 23 *Geo.* 2. *cap.* 12. *ſect.* 10. A veſtry ſhall be held yearly in every pariſh, or union, in which there ſhall be a place of publick worſhip, in which divine ſervice ſhall be uſually celebrated, according to the rites of the church of Ireland, excepting ſuch pariſhes as lie, or whereof any part doth lie, within the city or ſuburbs of Dublin, on the Tueſday or Wedneſday next after the 25th day of March in every year, and a ſum not exceeding twenty pounds, nor leſs than five pounds, ſhall at ſuch veſtry be aſſeſſed for the maintenance of the clerk of every ſuch pariſh or union for the ſucceeding year, by the major part of the proteſtant pariſhioners then and there aſſembled. Aſſeſſment at a veſtry.

(2) And if the proteſtant pariſhioners of any pariſh or union, other than the pariſhes before excepted, ſhall fail to make ſuch aſſeſſment, ſuch pariſh or union ſhall be chargeable with five pounds for the maintenance of the clerk of ſuch pariſh or union, for the year in which they ſhall ſo fail to make ſuch aſſeſſment. Failure to make aſſeſſment.

(3) And ſuch aſſeſſment, or in caſe of no ſuch aſſeſſment, the ſaid ſum of five pounds ſhall, within 30 days after the 25th day of March in every year, be equally applotted upon the pariſhioners, by the church-wardens or other perſons appointed for that purpoſe, by the major part of the proteſtant pariſhioners in veſtry aſſembled, which applotment ſhall be delivered to the miniſter, who, the firſt Sunday after he hath received the ſame, ſhall after divine ſervice in the morning give publick notice thereof, as alſo of a veſtry to be held within ten days after ſuch notice, in order to have ſuch applotment examined into, at which veſtry the major part of the proteſtant pariſhioners there aſſembled ſhall have power to hear all parties who ſhall object to ſuch applotment, and to make alterations therein, and then finally to ſettle the ſame. Applotment on pariſhioners.

(4) And after the ſame ſhall be ſo ſettled, they ſhall cauſe two tranſcripts thereof to be made, each to be ſubſcribed by the miniſter, church-wardens, and three of the proteſtant pariſhioners then preſent, one part whereof ſhall remain with the church-wardens, and the other ſhall be delivered to the pariſh clerk. Tranſcripts of applotment.

(5) And if ſuch applotment ſhall not be ſo made, ſettled, and ſubſcribed, and delivered to the pariſh clerk within two calendar months after the 25th day of March in every year, it ſhall be lawful for any two juſtices of the peace of the county, where ſuch pariſh or union, or part of ſuch pariſh or union doth lie, upon examination of one or more witneſſes upon oath, and upon ſuch other evidence as may be laid before them, to make and finally to ſettle ſuch applotment, which juſtices are required to make two tranſcripts thereof, when the ſame ſhall be ſo ſettled without fee, and to ſign and ſeal each part, and to deliver one part to the church-wardens of ſuch pariſh, or union, or to one of them, and the other part to the pariſh clerk. Two juſtices to ſettle applotment.

(6) And the money ſo applotted by ſuch juſtices, or applotted in ſuch other manner as is before directed, ſhall be levied by warrant under the hands and ſeals of two juſtices of the peace of the county where ſuch pariſh, or union, or part of ſuch pariſh or union doth lie, by the pariſh clerk or other perſons by him appointed, by diſtreſs and ſale of the goods of the perſons refuſing or neglecting To be levied by warrant.

neglecting to pay the ſums ſo applotted upon them, together with the charges of ſuch diſtreſs and ſale, returning the overplus if any ſhall be to the owner.

Service in two or more pariſhes.

III. *ſect.* 11. Where the cure of two or more pariſhes, though not united, is ſerved by the ſame perſon, and divine ſervice is uſually celebrated in one of the ſaid pariſhes only, or in the ſaid ſeveral pariſhes alternately, the maintenance before provided for the pariſh clerk, who ſhall attend the celebration of divine ſervice in ſuch pariſhes, ſhall be levied and applotted upon all ſuch pariſhes in manner herein before directed, and the proteſtant inhabitants of all ſaid pariſhes ſhall have a right to be preſent, and vote at all veſtries to be aſſembled purſuant to this act, for levying and applotting the ſame.

Chapels of eaſe.

IV. *ſect.* 12. Provided where in any pariſh or union, other than thoſe excepted as aforeſaid, there ſhall be one or more chapels of eaſe, or other place where divine ſervice ſhall be performed, that in ſuch caſe the pariſhioners in veſtry aſſembled as aforeſaid, ſhall be impowered to raiſe a ſum not leſs than four pounds, nor exceeding eight pounds a year, for each clerk of ſuch chapels of eaſe, to be applotted and raiſed as is before directed for the pariſh clerk, except ſuch chapels ſhall be ſerved only alternately, or any leſs frequent turns, with the church of ſuch pariſh or union, in which caſe no proviſion ſhall be made for more than one clerk.

No ſalary by cuſtom.

V. *ſect.* 13. No clerk of any pariſh or union, other than thoſe excepted as aforeſaid, ſhall during the continuance of this act, be intitled to any fee, ſalary or due, by virtue of any uſage or cuſtom.

No excommunication.

VI. *ſect.* 15. Whereas ſeveral perſons have been excommunicated in ſuits inſtituted in the ſpiritual courts, for the recovery of ſums claimed by the pariſh clerks as due by cuſtom; no proceſs ſhall hereafter iſſue on any ſuch excommunication, or if iſſued, the ſame ſhall ſurceaſe, and ſuch excommunication ſhall not be conſidered as any diſability.

Such parts of this act, as relate to the more eaſy providing a maintenance for pariſh-clerks, with the amendment made thereto by Stat. 33 Geo. 2. cap. 11. are by that act continued to the 24th of May 1767, and unto the end of the then next ſeſſion.

Continuation of the act 23 Geo. 2.

VII. *Stat. 33 Geo. 2. cap. 11. ſect.* 1. Such part of an act paſſed 23 Geo. 2. cap. 12. as relates to the more eaſy providing a maintenance for pariſh clerks, with the following amendments thereto, ſhall be revived and continued from the twenty fourth day of May 1760, to the twenty fourth day of May 1767, and from thence to the end of the then next ſeſſion of parliament.

Time of holding veſtries.

VIII. *ſect.* 2. In every pariſh or union, wherein, by the ſaid laſt recited act, it is enacted, that a veſtry ſhall be held for aſſeſſing a maintenance for the clerk of ſuch pariſh or union, ſuch veſtry ſhall be held in the ſaid year 1760, on the Monday or Tueſday in Whitſun-week, and in every other, on the Monday or Tueſday in Eaſter-week.

Sums to be aſſeſſed.

(2) And if divine ſervice is uſually celebrated in the church belonging to ſuch pariſh or union, on Sundays and other feſtival days, and alſo on common week days, the ſum to be aſſeſſed at ſuch veſtry for the maintenance of the clerk of ſuch pariſh or union for the enſuing year, ſhall be a ſum not exceeding twenty pounds, nor leſs than ten pounds; and in all other caſes, the ſum to be aſſeſſed at ſuch veſtry for the maintenance of the clerk of ſuch pariſh or

union

union for the enſuing year, ſhall not exceed ten pounds, nor ſhall be leſs than five pounds.

(3) And if the proteſtant pariſhioners of any pariſh or union, other than the pariſhes excepted by the ſaid act, ſhall fail to make ſuch aſſeſſment, ſuch pariſh or union ſhall be chargeable with the ſum of ten pounds for the maintenance of the clerk of the pariſh or union, for the year in which they ſhall ſo fail to make ſuch aſſeſſment, if divine ſervice is uſually celebrated in the church belonging to ſuch pariſh or union on Sundays or other feſtival days, and alſo on common week days, and in all other caſes, ſuch pariſh or union ſhall be chargeable with the ſum of five pounds for the maintenance of the clerk of ſuch pariſh or union, for the year in which they ſhall ſo fail to make ſuch aſſeſſment. **Failure to make aſſeſſment.**

(4) And if ſuch aſſeſſment ſhall be made, then the ſum ſo aſſeſſed, or in caſe of no ſuch aſſeſſment, then the ſaid ſum of ten pounds, or five pounds, as the caſe ſhall happen, ſhall within thirty days after Whit Sunday in the ſaid year 1760, and within thirty days after Eaſter Sunday in every ſucceeding year be equally applotted in ſuch manner as ceſſes for the repairs of the church are uſually applotted, or by law ought to be applotted in ſuch pariſh or union. **Applotments to be made.**

(5) And after ſuch applotment ſhall be finally aſcertained, and a tranſcript thereof ſhall be delivered to the church-wardens of ſuch pariſh or union, or to one of them, in the manner directed by the ſaid act, ſuch church-wardens ſhall, with all convenient expedition, proceed to levy the ſame, together with the other ceſſes of ſuch pariſh or union, and ſhall pay over the ſame to ſuch pariſh clerk. **Church-wardens to levy the money.**

(6) And in caſe of their wilful neglect or refuſal to collect the ſame, or to pay the ſame to ſuch pariſh clerk, ſuch pariſh clerk ſhall have the like remedy againſt ſuch church-wardens, by civil bill proceſs to be brought in his own name, for the recovery of the ſum ſo applotted for him; and ſuch church-wardens ſhall have the like remedy over and againſt ſuch pariſh or union, as is enacted by an act made in the third year of his preſent Majeſty's reign, entitled, *an act for the better keeping churches in repair.* **Remedy by civil bill.**

IX. *ſect.* 3. In every chapel of eaſe wherein proviſion is made by the ſaid recited act of the twenty third year of his preſent Majeſty's reign for the yearly maintenance of the clerk of ſuch chapel of eaſe, ſuch yearly maintenance ſhall be aſſeſſed, applotted, levied and paid in ſuch manner as is herein before directed for the pariſh clerk with ſuch remedy for the recovery thereof, by the clerk of ſuch chapel of eaſe, and ſuch remedy over for the church-wardens of the pariſh or union to which ſuch chapel of eaſe ſhall belong, as is herein before provided, concerning the yearly maintenance for pariſh clerks. **Chapels of eaſe.**

This act is continued to the firſt day of May one thouſand ſeven hundred and ſeventy three, and to the end of the then next ſeſſion of parliament, by Stat. 5 Geo. 3. cap. 15. ſect. 1.

X. *Stat.* 13 & 14 *Geo.* 3. *cap.* 41. *ſect.* 8. An act thirty third of George the ſecond, for reviving and amending an act the twenty third, ſo far as the ſame relates to the more eaſy providing a maintenance for pariſh clerks, continued to twenty fourth of June 1780, and to end of then next ſeſſion. **33 G 2. c. 11. continued to 24th June, 1780, &c.**

XI. *Stat.*

33 G. 3. c. 11. continued to 24 June 1787, and end of next seſſion.

XI. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 8. An act thirty third of George the ſecond, *for reviving and amending an act in the twenty third, as to a maintenance for pariſh clerks*, which was continued by fifteenth and ſixteenth of his Majeſty, further continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and end of then next ſeſſion.

Coaches, Duty on.

Duty 20s. to 1781.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 2. *ſect.* 7. Additional duty twenty ſhillings by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which he ſhall keep in his poſſeſſion, except hackney and ſtage coaches, and by coachmakers for ſale, at any time between 25th of December 1771 and 1772 incluſive. Continued to 1781.

Certified in 3 months to collector and hearth money examinator,

II. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 12. Every perſon who after twenty fifth December one thouſand ſeven hundred and eighty one, ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, or chaiſe with two wheels, (except as before) and in reſpect whereof he or ſhe ſhall be chargeable with ſaid additional duties, ſhall within three calendar months after twenty fifth December one thouſand ſeven hundred and eighty one, or after he or ſhe ſhall have or keep any ſuch by writing under hand, certify to collector of exciſe in ſome one of the diſtricts wherein he or ſhe ſhall reſide and dwell, and likewiſe to examinator of hearth money in Dublin, mentioning to him in ſuch writing, the name and diſtrict of the collector to whom he or ſhe has ſo certified, a true account of every ſuch which he or ſhe ſhall have or keep, (except as before) with the name of place and pariſh of his or her reſidence, or abode at time of giving ſuch certificate; which certificate

entered alphabetically,

ſhall be kept by the reſpective collectors, and alſo entered or regiſtered in an alphabetical book, reſpectively kept for that purpoſe; and a copy of ſuch entry, ſigned by ſuch collector or his clerk, ſhall be delivered, if required,

copy given,

without fee or reward, to the perſon delivering ſuch certificate; and a number ſhall be entered on each certificate ſo regiſtered; and ſaid collectors ſhall,

numbered,

under their hands, on or before twenty fifth December in each year, give a

liſts to receivers of duty,

true liſt of all coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, and chaiſes with two wheels, from time to time returned to them in ſuch certificates, with names of the perſons and places of their abode reſpectively mentioned in ſuch certificates to the perſons who for time appointed

levied as hearth-money,

by the commiſſioners of exciſe, or any three, to collect and receive ſaid duties; and ſuch perſons appointed to collect and receive ſaid duties, ſhall have full power and authority to levy, collect, and receive the ſame within the diſtrict wherein the certificate entered, in the ſame manner as

acquittances given, duplicates kept,

your Majeſty's revenue from fire hearths is now by law levied, collected, and received; and ſhall ſign and deliver acquittances without fee or reward, and ſhall keep duplicates thereof in a book for that purpoſe, in ſame manner as acquittances for duty of fire hearths; and ſhall reſpectively return the

book returned,

book containing the duplicates of ſuch acquittances to ſuch perſons, and at ſame time, and diſpoſed of in ſame manner as books containing duplicates

paid only where regiſtered.

of acquittances for duty on fire hearths; and the duties aforeſaid ſhall be paid in the reſpective diſtricts wherein ſaid carriages entered or regiſtered, and in no other.

III. *ſect.*

III. *ſect.* 13. Every coach maker, or other perſon making carriages for ſale, ſhall, within ten days after he or ſhe ſhall ſell and deliver any coach, chariot, berlin, calaſh, or chaiſe with four wheels or two wheels, certify to collector of exciſe in the diſtrict where ſuch coach maker ſhall reſide, the kind of carriage he or ſhe has ſo ſold, and whether with four or two wheels, and the name of the perſon to whom ſold, with place of reſidence of ſaid perſon, in caſe he or ſhe knows the ſame; and if any perſons ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, or chaiſe with two wheels, chargeable with ſaid duties, or any of them by this act, not certified by him, her or them as aforeſaid, every ſuch perſon ſo having or keeping, not certified, or if any coach maker or perſon making carriages for ſale, ſhall omit to give every ſuch certificate, every ſuch perſon, coach maker, or other, ſhall for every ſuch neglect forfeit reſpectively twenty pounds, to be ſued for, recovered, levied, and applied in ſuch manner and form, ways and means, as preſcribed for recovery of penalties by an act fourteenth and fifteenth of Charles the ſecond, *for ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates.*

Maker's to certify to collector on ſale,

not certifying, 20l. as by 14 & 15 C. 2. c. 8.

IV. *ſect.* 14. Every perſon (except as before) having in keeping or poſſeſſion, any coach, chariot, berlin, calaſh, or chaiſe with four wheels, or chaiſe with two wheels belonging to another, ſhall be charged for every ſuch with the ſaid duties, in ſame manner as the owner or proprietor is or ought to be charged by this act.

Poſſeſſor charged as owner.

V. *ſect.* 15. Perſons authorized to collect ſaid duties on coaches, chariots, berlins, calaſhes and chaiſes, ſhall pay the ſame to collectors of the ſeveral diſtricts where collected and raiſed; and ſaid collectors ſhall keep ſeparate and diſtinct accounts thereof, and pay the ſame into treaſury as other monies received for uſe of your Majeſty.

Duty paid to collector of diſtrict, diſtinct accounts paid into treaſury.

VI. *ſect.* 16. Nothing in this act ſhall extend to charge any perſon with additional duties of ten ſhillings upon chaiſes with two wheels, nor to oblige ſuch perſon to make entry of any chaiſe with two wheels, who ſhall keep and certify to ſaid collectors, and examinator of hearth money, any coach, chariot, berlin, calaſh, or chaiſe with four wheels.

Certifying 4 wheeled not charged for 2 wheeled.

VII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 15. *ſect.* 74. After twenty fourth of June, one thouſand ſeven hundred and eighty two, no carriage whatſoever, whether with four or two wheels, ſhall be deemed a cabriolet or garden chair, or exempted from any duty as ſuch, in caſe the ſame ſhall be uſed by any perſon not paying duty for one or more carriages with four wheels, or uſed upon any publick or high road, more than three miles from the houſe or demeſne of the perſon to whom the ſame belong, unleſs for ſending ſuch carriage home to the proprietor when firſt purchaſed, or ſending to be repaired, or returning when repaired; and no carriage be deemed a cabriolet or garden chair within meaning of this or any other law in force, any of the wheels whereof ſhall be of a diameter exceeding four feet; any law to the contrary notwithſtanding.

No carriage deemed cabriolet or garden chair uſed by any not paying 4 wheel duty, or on high road above 3 miles,

wheels not above 4 feet diameter.

Coals.

I. *Stat.* 6 *Geo.* 1. *cap.* 2. *ſect.* 2. If any perſons, bodies politick or corporate, ſhall after the time aforeſaid, enter into any combination or agreement for

Combinations to enhance the price.

for enhancing the prices of coals, ſuch perſons being thereof convicted on any information or indictment, ſhall for every ſuch offence forfeit fifty pounds, one moiety thereof to the perſons who ſhall ſue for the ſame, and the other to the miniſter and church-wardens, for the uſe of the poor of the pariſh where ſuch offence ſhall be committed, to be accounted for to the ſaid miniſter and church-wardens in manner aforeſaid.

Time for diſcharge.

II. *ſect.* 3. No maſter, owner, or keeper of any ſhip, bark, gabbart, or lighter of the burthen of forty tuns or upwards, ſhall keep on board any coals after ſuch ſhip, bark, gabbart, or lighter ſhall come up to the publick key or landing place for any longer time than ten working days at fartheſt, and where ſuch ſhip, bark, gabbart, or lighter, ſhall be under the burthen of forty tun, for any longer time than eight working days.

Penalty on maſters, &c.

(2) And in caſe the maſter, owner, or keeper of ſuch ſhip, bark, gabbart, or lighter, or the perſons who expoſe ſuch coals to ſale, ſhall ſuffer any coals to be kept on board longer than the times before mentioned, after they ſhall come up to the publick keys or landing places, every perſon ſo offending, as well as the maſter, owner, and keeper of ſuch ſhip, bark, gabbart and lighter, as the perſon or perſons who expoſe the ſame to ſale, ſhall for every day ſuch coals ſhall lie on board longer than the times aforeſaid, forfeit reſpectively forty ſhillings.

Recovery by diſtreſs, &c. of goods.

(3) All the aforeſaid penalties to be recovered before the lord mayor of the city of Dublin for the time being, by the oath of one credible witneſs, and upon conviction, one moiety thereof to be to the informer, the other moiety to the poor of the pariſh where ſuch offence ſhall be committed, the ſame to be levied by ſale and diſtreſs of the offenders goods by the warrant of the lord mayor of the ſaid city.

Hire by the day.

(4) And every owner or keeper of ſuch gabbarts or lighters for coals ſhall hire out the ſame by the day, and not by the month, or in any other manner, under the penalty of forfeiting for every offence five pounds, to be recovered before the lord mayor in manner aforeſaid, and to be levied by diſtreſs and ſale of the offenders goods, one moiety of the ſaid forfeiture to be to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh as aforeſaid.

Limitation of informations.

III. *ſect.* 8. No information, action, or ſuit ſhall be commenced for any forfeiture or penalty incurred by any offence contrary to this act, unleſs the ſame be commenced within the ſpace of one year next after ſuch offence committed.

General iſſue.

IV. *ſect.* 9. If any action, ſuit, plaint or information ſhall be commenced or proſecuted againſt any perſons for whatever they ſhall do in purſuance of this act, ſuch perſons may plead the general iſſue, *&c.* and if the proſecutor ſhall become nonſuit, or forbear further proſecution, or ſuffer any diſcontinuance, or if a verdict, or judgment upon demurrer, ſhall paſs againſt ſuch plaintiffs, the defendants ſhall recover treble coſts.

The preceding act as far as the ſame is not altered, by the act 31 Geo. 2. cap. 5. *or by any other act made in that ſeſſion, is made perpetual, by* Stat. 1 Geo. 3. cap. 17. ſect. 10.

Penalty for combinations.

V. *Stat.* 1 *Geo.* 2. *cap.* 21. *ſect.* 1. If any perſons, bodies politick or corporate, ſhall enter into any unlawful combination or agreement for enhancing the prices of coals, ſuch perſons being thereof convicted on any information

formation or indictment, ſhall for every ſuch offence forfeit fifty pounds, to be recovered in the King's bench, common-pleas, or exchequer, by information or action of debt.

(2) One moiety of the forfeiture to go to the perſons who ſhall ſue for the ſame, and the other moiety thereof to the miniſter and church-wardens of the reſpective pariſhes wherein ſuch offence ſhall be committed, for the uſe of the poor of the ſaid pariſh, to be accounted for by ſuch perſons who ſhall recover the ſame, as money levied for the uſe of the poor of ſuch pariſh or pariſhes are to be accounted for, in which information or action no protection, eſſoign, or wager of law ſhall be allowed. Informers and poor.

VI. *ſect.* 2. No perſons retailing coals ſhall keep for meaſuring any ſort of coal commonly called ſea-coal, brought into any harbour or port of this kingdom, any half-barrel, buſhel, half buſhel, peck or half peck, but ſuch as are of the following dimenſions, and contain the following quantities, and ſhall be ſealed by the clerks of the reſpective markets, *viz.* Retailers of coals.

(2) Every half barrel ſhall be twenty four inches diameter in the bottom, and twenty five inches and a half in the top at leaſt, and contain twenty gallons Wincheſter meaſure; every buſhel ſhall be twenty inches diameter in the bottom, and twenty one inches in the top at leaſt, and contain ten gallons of the like meaſure; every half buſhel ſhall be fifteen inches diameter in the bottom, and ſixteen inches in the top at leaſt, and contain five gallons of the like meaſure; every peck ſhall be eleven inches diameter in the bottom, and twelve inches in the top at leaſt, and contain two gallons and a half of the like meaſure; every half peck ſhall be ten inches and a half diameter in the bottom, and eleven inches and a half in the top at leaſt, and contain one gallon and a quarter of the like meaſure. Dimenſions of meaſures.

(3) Upon pain of forfeiture of all the coals which ſhall be otherwiſe ſold or expoſed to ſale by any retailer of coals, and alſo double the value thereof, to be recovered by any perſons before the chief magiſtrate of ſuch city or town corporate where ſuch coals ſhall be imported, who are required to call the parties before them, and to hear and examine ſuch complaints upon oath. Forfeiture.

(4) And upon due proof thereof made to their ſatisfaction, to convict the offenders, and to give warrant under their hands and ſeals for levying the forfeitures accordingly, the one moiety thereof to be to the uſe of the perſons ſo proſecuting or complaining, and the other moiety to the uſe of the poor of the pariſh where ſuch offence ſhall be committed. Warrant for levying.

VII. *ſect.* 3. Provided that no ſuit ſhall be commenced for any forfeiture, or penalty incurred by any offence contrary to this act, unleſs the ſame be commenced within ſix months next after ſuch offence ſhall be committed. Suit to be in ſix months.

VIII. *ſect.* 4. If any action, *&c.* ſhall be commenced or proſecuted againſt any perſons for any thing done in purſuance of this act, perſons ſo ſued may plead the general iſſue, *&c.* and if the plaintiff ſhall become nonſuit, or forbear further proſecution, or ſuffer any diſcontinuance, or if a verdict or judgment upon demurrer ſhall paſs againſt ſuch plaintiff, the defendants ſhall recover treble coſts. General iſſue.

IX. *Stat.* 31 *Geo.* 2. *cap.* 14. *ſect.* 1. Every maſter and owner of any veſſel or ſhip, or other dealers in coals, who ſhall after the firſt day of May, 1758, import into the city of Dublin, any quantity of coals from any of the collieries in the kingdom of Ireland, and ſhall ſell or diſcharge the ſame in any of the markets or places where coals are uſually ſold or diſcharged in the city of Dub- Premiums for Iriſh coals.

lin, ſhall, upon performing the ſeveral requiſites herein after mentioned, receive from the collector of the port of Dublin, for every tun of coals ſo imported, containing the meaſure which coals are uſually ſold at, two ſhillings.

Cocket from the collector.

X *ſect.* 2. Provided that no maſter or owner of any ſhip, or other dealers in coals, ſhall be intitled to receive the ſaid two ſhillings for each tun of coals ſo imported, unleſs ſuch maſter or owner, or other dealers in coals, ſhall produce a cocket or clearance from the collector of the cuſtom-houſe at ſuch port from whence ſuch coals have been brought.

Contents of the cockets.

(2) Which cocket or clearance ſhall contain the name of the veſſel or ſhip, and of the maſter or owner thereof, and the quantity of coals ſo ſhipped, and the name of the colliery from whence the ſame was brought to ſuch port, and that the ſame are all Iriſh coals, without any mixture of coals from any other country.

Proved on oath.

(3) The contents of which cocket or clearance ſhall be proved by oath of the maſter or owner of ſuch veſſel or ſhip, made before the collector or his clerk (which oath the ſaid collector or his clerk are required to adminiſter) for which cocket or clearance the maſter or owner of ſuch ſhip or veſſel ſhall pay one ſhilling and one penny, and no more.

Diſcharge in Dublin.

XI. *ſect.* 3. Provided alſo that the maſter or owner of ſuch ſhip, that ſhall import ſuch coals into the city of Dublin, ſhall make oath before the collector of the port of Dublin, which oath the ſaid collector is required to adminiſter, that the full quantity of coals, ſpecified in the cocket or clearance, has been ſold or diſcharged by him in the city of Dublin, without any fraud or mixing therewith any coals from any other kingdom or place, for which affidavit and invoice the ſaid maſter or owner ſhall pay ſix pence.

Forging or ſwearing falſely.

XII. *ſect.* 4. If any perſon ſhall forge any ſuch cocket or clearance, or ſhall knowingly ſwear any thing which is falſe in any affidavit hereby ordered to be made, they ſhall, upon conviction thereof, ſuffer ſuch puniſhment as perſons convicted of wilful and corrupt perjury are ſubject to.

Allowance of payments.

XIII. *ſect.* 5. Such collector ſhall be allowed in his account whatever ſums of money he ſhall pay in purſuance of this act.

This act is continued, by Stat. 3 Geo. 3. cap. 16. ſect. 1. *until the firſt day of May*, 1774, *and to the end of the then next ſeſſion of parliament.*

Contracts for raiſing prices.

XIV. *Stat.* 31 *Geo.* 2. *cap.* 15. *ſect.* 1. All contracts or agreements between any coal-owners, maſters, or owners of ſhips, coal-factors, or other perſons concerned in the coal trade, for raiſing the price of coals, or reſtraining any perſons from freely ſelling, buying, unloading, or diſpoſing of coals, are declared illegal and void.

Penalty of one hundred pounds.

(2) And if any perſon ſhall make, enter into, act in, or be knowingly concerned in any ſuch agreement, every perſon ſo offending, ſhall for every ſuch offence, forfeit one hundred pounds, to be recovered in any of the Four-courts in Dublin, by action of debt, bill, plaint, or information, in which no eſſoign, *&c.* ſhall be allowed; the one moiety thereof to the governors of the work-houſe for the uſe of the children of the work-houſe, and the other moiety to the perſon who ſhall ſue for the ſame.

Perſonal interrogatories.

XV. *ſect.* 2. It ſhall be lawful for the informer or plaintiff in ſuch action to exhibit perſonal interrogatories againſt ſuch of the defendants in ſuch information or action, as he ſhall think fit, in the court where ſuch ſuit ſhall depend, and thereby oblige ſuch defendants on their corporal oaths, to diſcover

cover all ſuch contracts or agreements, and the names of the ſeveral perſons who have acted, or been any way concerned therein.

(2) To which interrogatories ſuch defendants ſhall put in a full and diſtinct anſwer, and ſhall not, by plea or demurrer, cover or conceal the ſame; which oath, the court where ſuch ſuit ſhall be depending, is hereby empowered to adminiſter, and to grant attachments againſt ſuch defendants, who ſhall neglect or refuſe to make ſuch anſwer. Anſwer of defendants.

XVI. *ſect.* 3. Provided that the perſons who ſhall ſo anſwer and diſcover, ſhall be diſcharged from any further proſecution in the ſaid ſuit and information, and from any puniſhment, forfeiture, or penalty, which they may have incurred, for any matter diſcovered in ſuch anſwer; and their names ſhall be ſtruck out of ſuch bill or information, by order of the ſaid court, and they may be examined as witneſſes againſt the other defendants, or perſons concerned. Diſcharge on anſwering.

XVII. *Stat.* 1 *Geo.* 3 *cap.* 17. *ſect.* 10. One act paſſed in the ſixth year of the reign of his late Majeſty King George the firſt, *for the more effectual preventing the ingroſſing and regrating of coals in this kingdom*, and which is expired as far as the ſame is not altered by one other act made in the thirty firſt year of the reign of his late Majeſty King George the ſecond, *to prevent unlawful combinations to raiſe the price of coals in the city of Dublin*; and alſo ſo far as the ſame is not altered by any other act made in this ſeſſion of parliament, ſhall be perpetual. Continuance of Stat. 6 G. 1. and Stat. 31 G. 2.

XVIII. *Stat.* 3 *Geo.* 3. *cap.* 16. *ſect* 1. An act paſſed in the thirty firſt year of his late Majeſty King George the ſecond, *for the better ſupplying the city of Dublin with coals, and for the better encouragement of the collieries of this kingdom*; ſhall be further continued until the firſt day of May, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventy four, and from thence to the end of the then next ſeſſion of parliament. The act 31 G. 2. cap. 14. continued until May 1774, &c.

XIX. *Stat.* 7 *Geo.* 3. *cap.* 20. *ſect.* 4. The act to prevent exceſſive price of coals in city of Dublin, continued eight years, from 1 January 1769, and to end of the then next ſeſſion. 3 G. 3. c. 27. continued 8 years.

XX. *ſect.* 4. All coals, brought into Dublin, from any colliery in this kingdom by any inland canal, conſidered as imported, and maſter or owner intitled to all premiums and encouragements for bringing Iriſh coals into ſaid city. Iriſh coal by inland canal conſidered imported, to 24 June 1774, &c.

XXI. *ſect.* 5. This act ſhall continue in force until 24th June 1774, and to end of then next ſeſſion.

XXII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *ſect.* 1. An act thirty firſt of George the ſecond, for ſupplying the city of Dublin with coals, and encouragement of the collieries ſhall continue in force until the twenty fourth of June 1792, and to the end of the then next ſeſſion. 31 Geo. 2. continued to 24 June 1792.

XXIII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 32. *ſect.* 1. An act in the third of his preſent Majeſty, *to amend and continue an act to prevent the exceſſive price of coals in Dublin*, continued in force to the 24th of June 1783, and to the end of the then next ſeſſion. 3 G. 3. c. 27. continued to 24 June 1783, &c.

XXIV. *Stat.*

11 G. 3. c. 5. continued to 24 June 1780.

XXIV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 36. *ſect.* 14. An act eleventh of his preſent Majeſty, *to prevent combinations to raiſe the price of coals in Dublin*, revived and continued to 24th June 1780.

11 G. 3 c. 5. continued by 17 & 18 G. 3. c. 36. ſ. 13. further continued to 24 June 1785.

XXV. *Stat.* 19 & 20 *Geo.* 3. *cap.* 14. *ſect.* 6. An act in the eleventh of his Majeſty, *to prevent combinations to raiſe the price of coals*, continued by an act of laſt ſeſſions, further continued to twenty fourth June one thouſand ſeven hundred and eighty five.

1 G. 3. c. 10. 3 G. 3. c. 27. 5 G. 3. c. 15. ſ. 23, 24, 25, 26, continued to 24 June 1787, and to end of next ſeſſion.

XXVI. *ſect.* 10. Whereas an act paſſed firſt of his Majeſty, *to prevent exceſſive price of coals in Dublin*, continued and amended by third of his Majeſty; and an act fifth of his Majeſty extending ſaid acts to Cork, and enacting other proviſions and regulations: all ſaid acts, proviſions and amendments, ſhall continue until twenty fourth June one thouſand ſeven hundred and eighty ſeven, and to the end of then next ſeſſion.

From 1 May 1782 to 25 March 1788, additional 1s. *per* ton on coals, not of this kingdom, imported to Dublin.

XXVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 17. *ſect.* 1. Whereas many of the ſtreets in Dublin are from their narrowneſs very inconvenient, and a local fund ſhould be raiſed for defraying expences, by rendering the paſſages through ſaid city wide and convenient: after firſt of May one thouſand ſeven hundred and eighty two until twenty fifth of March one thouſand ſeven hundred and eighty eight, there ſhall be granted, raiſed, collected, levied and paid to your Majeſty, your heirs and ſucceſſors, a net additional duty of one ſhilling for and upon every ton of coals, not produce of this kingdom, imported into harbour of Dublin, and ſo in proportion for any greater or leſs quantity; ſaid duty to be paid over and above all duties now payable for the ſame.

Paid to commiſſioners for paſſage from Eſſex-bridge to the caſtle, or any 12,

XXVIII. *ſect.* 2. Said additional duty, and all money owing thereby, ſhall be paid by vice treaſurers, paymaſter or receiver general, or deputies, to commiſſioners for making a wide and convenient way, ſtreet and paſſage from Eſſex-bridge to the caſtle of Dublin, or any twelve, to be applied in manner herein after; and it ſhall be lawful for ſaid commiſſioners, or any twelve or more, with approbation of chief governor, by writing under hands and ſeals to nominate ſuch perſons to be ſecretary and clerk reſpectively, as they think fit, and to remove from time to time and appoint others, with like approbation; and ſaid commiſſioners or any twelve or more ſhall appoint ſuch allowance or ſalary unto ſuch ſecretary and clerk reſpectively, as they think reaſonable, ſo as ſuch do not exceed two hundred pounds by the year for ſaid ſecretary, nor fifty for ſaid clerk.

ſecretary's ſalary not above 200l. a year. clerk's 50l.

Salaries, coſts and charges out of ſaid duty.

XXIX. *ſect.* 3. Allowances and ſalaries aforeſaid, and all coſts and charges in obtaining and paſſing this act, with all other neceſſary coſts, charges and expences, as ſaid commiſſioners or any ſhall be at in execution of truſts and powers hereby veſted, ſhall be paid out of ſaid additional duty, and money ariſing by this act.

Remainder applied to convenient paſſages from the caſtle to parliament houſe, &c.

XXX. *ſect.* 4. Said commiſſioners, or any nine or more, ſhall apply the whole monies ariſing by this act, after ſuch payments, to making one or more convenient ſtreet or ſtreets, paſſage or paſſages, from caſtle of Dublin to the Parliament houſe and College green in ſuch directions, as they, or any nine or more think proper.

So much of 5000l. granted by 17 & 18 G. 3. c. 27. as unexpended,

XXXI. *ſect.* 5. So much of five thouſand pounds, granted to ſaid commiſſioners, by ſeventeenth and eighteenth of your Majeſty, to be expended in widening that part of the approach from caſtle of Dublin to the Parliament houſe,

houſe, between the Caſtle gate and George's lane, as ſhall remain unexpended, ſhall be applied by ſaid commiſſioners, or any nine or more in aid of the duty hereby granted towards purpoſes aforeſaid, any law to contrary notwithſtanding.

applied in aid of ſaid duty.

XXXII. *ſect.* 6. So ſoon as ſuch ſtreet or ſtreets, or paſſages ſhall be made, and after payment of ſalaries, and neceſſary coſts and charges before mentioned, it ſhall be lawful for ſaid commiſſioners, or any nine or more to apply ſaid additional duty, and the monies by this act, to making or widening ſuch other ways, ſtreets or paſſages through ſaid city for the improvement thereof, as they appoint, or in widening the ſeveral roads and approaches to ſaid city within two miles to ſuch breadth, not leſs than one hundred feet as they direct.

Said duty applied afterwards to other paſſages, or widening roads within 2 miles.

XXXIII. *ſect.* 7. It ſhall be lawful for ſaid commiſſioners, or any nine or more, to contract with any for executing the whole or any part, and to aſſign to ſuch perſons the whole which ſhall ariſe by this act, and the reſidue of ſaid five thouſand pounds, ſubject to payment of ſaid ſalaries and neceſſary expences, until ſuch perſons ſhall be paid the whole they have contracted for, together with intereſt five pounds *per cent. per annum* for ſuch ſum as ſhall appear on every quarterly ſettlement of account to have been advanced, over and above receipts.

9 commiſſioners may contract.

XXXIV. *ſect.* 8. No ſuch contract ſhall be made, or deemed good or valid, unleſs perſons ſo contracting give ſufficient ſecurity to execute or finiſh the work within two years from date of ſuch contract; and if ſuch work be not finiſhed within the time in ſuch contract, ſuch perſons ſhall, after ſaid time, ceaſe to receive any of ſaid monies ariſing by this act, and ſhall loſe and be liable to payment of all monies theretofore received out of ſaid duties, or advanced by ſuch perſons ſo contracting, any thing in ſaid contract to contrary notwithſtanding; to be recovered by ſaid commiſſioners, or any who ſhall inſtitute a ſuit in their names or behalf by action of debt, bill, plaint or information in any of courts of record in Dublin, over and above any penalties for ſuch default, for or on account of any ſecurity entered into as aforeſaid; which ſums, when ſo recovered, ſhall be applied to purpoſes of this act.

Contract not valid, unleſs ſecurity to finiſh in 2 years.

XXXV. *ſect.* 9. Said additional duty ſhall be raiſed, anſwered, collected and paid to your Majeſty, your heirs and ſucceſſors, at ſame time, and in like manner (except that the ſame ſhall not be bonded for, or any diſcount allowed for prompt payment) and ſhall and may be ſued for and recovered in ſuch manner and form, ways and means, penalties and forfeitures, powers and authorities, as by fourteenth and fifteenth of Charles the ſecond, *for ſettling exciſe or new impoſt, according to book of rates*, as fully to all intents as if re-enacted in this act, with like remedy of appeal to parties who think themſelves injured or aggrieved, as in ſaid act.

Said duty raiſed and paid (except bonding and diſcount) as by 14 & 15 C. 2. c. 8. with like appeal.

XXXVI. *ſect.* 10. Whereas allowing all inclined to deal largely in the coal trade, and to import at moſt convenient ſeaſons ſuch quantities as they think proper, and to ſtore, will tend to procure a better, more certain, and cheap ſupply for Dublin, and tend to relieve the manufacturers and poor inhabitants; ſo much of an act ſixth of George the firſt, *for preventing engroſſing and regrating of coals*, and of every other act or acts heretofore, as tend in any degree to prevent any perſons, bodies politick or corporate, from buying or laying up in one year more than a certain quantity of coals, or to give the lord mayor, or any magiſtrate, miniſter or church-warden, a power to enter the

So much of 6 G 1. c. 2. and of every act as prevents buying and laying up above a certain quantity, &c. repealed.

the cellars, houſes, or yards of any perſon buying coals, and to direct the coals therein to be ſold, or to give the lord mayor a power to compel to be brought up to the quay and ſold any coals on board any ſhip or gabbard, which have been previouſly ſold to any perſon reſident in Dublin, or any trading or dealing in coals, or to limit the number of factors, burſers, or agents for buying and ſelling coals in Dublin, or to require them or any purchaſing coals for ſale, or keeping any yard therein for ſelling coals, to take out any licence on account of the ſame, or give ſecurity, or take any oath as a factor, burſer, or agent, or to prevent any perſon keeping a gabbard, lighter, or boat for carrying coals, ſhall be repealed and made null and void.

Full liberty to buy and ſell.

XXXVII. *ſect.* 11. Every perſon, bodies politick or corporate, ſhall be at full liberty to buy and ſell coals at ſuch prices and times, in ſuch manner, quantities, and form, and to ſuch perſons as they chooſe, any law to contrary in any wiſe notwithſtanding.

If for glaſs, ſugar, and ſalt manufacturers, exempt from duty.

XXXVIII. *ſect.* 12. All coals imported into Dublin, intended or purchaſed for uſe of glaſs, ſugar, and ſalt manufactures in ſaid city, ſhall be exempted from ſaid additional duty by this act.

Oath of purchaſe for ſuch uſe,

XXXIX. *ſect.* 13. Importer or purchaſer, ſhall at entry make oath before collector or chief officer, who is impowered and required to adminiſter, that ſaid coals are purchaſed and *bona fide* intended for uſe of the glaſs, ſugar, or ſalt manufactures in Dublin, and for no other uſe whatſoever; and if any knowingly ſwear any thing falſe in ſuch affidavit, they ſhall upon conviction

puniſhment for perjury.

ſuffer ſuch puniſhment, as perſons convicted of wilful and corrupt perjury, are by the laws ſubject to.

If for other purpoſe, 100l. as by 14 & 15 C. 2. c. 8.

XL. *ſect.* 14. If ſaid importer or purchaſer ſell or uſe ſaid coals, or cauſe the ſame to be ſold or uſed, for any other purpoſe, ſuch perſons ſhall forfeit one hundred pounds, to be recovered as by ſaid act fourteenth and fifteenth Charles the ſecond is directed to be applied to purpoſes of this act.

Diſtinct account of ſaid duties.

XLI. *ſect.* 15. A ſeparate and diſtinct account ſhall be kept by proper officer of duties hereby; and commiſſioners of revenue ſhall return the weekly abſtracts from collector of Dublin to accountant general; and accountant general ſhall return a ſeparate account of ſaid duties to vice treaſurers, or deputies; and ſaid collector ſhall take a ſeparate receipt for the ſame when paid into treaſury; which receipt vice treaſurers or deputies are required to give accordingly.

No fees on payments.

XLII. *ſect.* 16. Neither the ſix pence *per* pound nor other fee ſhall be payable to nor deducted or received by vice treaſurers, receiver, or paymaſter general, clerk of pells, or other officer, for or on account of iſſuing or payment of any money ariſing by or received for or on account of the aids hereby, or any payment in purſuance.

Security by ſecretary approved by 9 commiſſioners.

XLIII. *ſect.* 17. Secretary to ſaid commiſſioners, ſhall, before he enters into office give a ſufficient ſecurity approved of by ſaid commiſſioners, or any nine or more, for duly executing ſaid office, and accounting for all ſuch ſums as he ſhall receive.

11 Geo. 3. c. 5. continued by 19 & 20 G. 3. c. 14. ſ. 6. further to 24 June 1787, and end of next ſeſſion.

XLIV. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 13. An act eleventh of his Majeſty, *to prevent combinations to raiſe price of coals in Dublin*, continued by nineteenth and twentieth of his Majeſty, further continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

XLV. *ſect.*

XLV. *ſect.* 14. Whereas by an act firſt of his Majeſty, *to prevent exceſſive price of coals in Dublin*, the coals for publick coal yards are directed to be bought in, when under ſixteen ſhillings the tun, and by fifth of his Majeſty ſaid act, and alſo an act in third of his Majeſty to amend and continue ſaid act, were extended to Cork under certain exceptions and proviſions; and on account of the advanced price of freight and inſurance to Cork during the war it has been often found impracticable to buy in ſaid coals at the price in the act firſt of his Majeſty; it ſhall be lawful for director of the publick coal yards in Cork, during the preſent war, with approbation and conſent of mayor and common council of ſaid city, to buy in coals for ſaid yards, when at a higher price than ſixteen ſhillings the tun, any thing in ſaid act firſt of his Majeſty to contrary notwithſtanding.

1 G. 3. c. 10. and 3 G. 3. c. 27. extended to Cork, under exceptions and proviſions by 5 G. 3. c. 15. ſ. 23. director of publick yards in Cork may with approbation of mayor, &c. buy in when above 16s. per tun.

XLVI. *ſect.* 15. Said director ſhall ſell out ſaid coals proportioned to the advanced price, at which he has bought in.

Sold in proportion to the advance.

XLVII. *ſect.* 16. Director of ſaid coal yard ſhall make oath before the mayor of Cork, which ſaid mayor is impowered and required to adminiſter, that he has bought in ſaid coals for the loweſt price, for which he was able to purchaſe.

Oath of buying at loweſt price.

Coal-pits, Colliers and Miners.

I. *Stat.* 15 *Geo.* 2. *cap.* 10. *ſect.* 1. All perſons, bodies politick and corporate, impowered by the act 10 *Geo.* 1. *cap.* 5. to grant leaſes of any mines and minerals, may make like leaſes of coal mines within their reſpective lands, and may open and work all coal mines to them belonging, and raiſe and carry away the coals thereof, or make leaſes thereof, for ſuch term of years and at ſuch rent, and under ſuch conditions, and in ſuch manner as they are impowered to make by the ſaid act, concerning any other mine or mineral; and the ſaid act, and every clauſe therein not hereby altered, ſhall be conſtrued to extend to the finding and working of coal mines, and carrying away the coals thereof, as fully as if coal mines had been particularly mentioned therein.

Leaſes of coal mines.

II. *Stat.* 23 *Geo.* 2. *cap.* 9. *ſect.* 1. It ſhall be lawful for all perſons, bodies politick and corporate, impowered by the act 10 *Geo.* 1. *cap.* 5. by indentures under their reſpective hands and ſeals, to be executed in the preſence of two witneſſes, to demiſe or grant leaſes of coal mines within their reſpective glebes or lands, for any term not exceeding forty one years, in poſſeſſion and not in reverſion, at any rents not leſs than two pence for every tun of coals which ſhall be raiſed and laid upon the bank, without fine or any other conſideration than the yearly rent reſerved in ſuch leaſes, with proper clauſes of entry and diſtreſs for nonpayment of the rents thereby to be reſerved, ſo as the leſſees in ſuch leaſes do execute counterparts thereof, and ſo as ſuch rents ſhall be reſerved and made payable to the leſſors, and ſuch other perſons as would during the continuance of ſuch leaſe be entitled to the profits of the lands in caſe ſuch leaſe had not been made.

Forty one years in poſſeſſion.

III. *ſect.* 2. It ſhall be lawful for George lord archbiſhop of Armagh and his ſucceſſors, by indenture executed and atteſted as aforeſaid, to demiſe or grant leaſes of coal mines in the lands whereof they ſhall be ſeized or intitled unto, under the grant made by King Charles the firſt *for the benefit of maſters of free-ſchools*, for the ſame term of forty one years, and at the ſame rent,

Lands of ſchoolmaſters.

and with like remedy for recovery thereof, as is before ſpecified, ſo as ſuch leaſes be made with the conſent of the maſter of the free ſchool, who ſhall be intitled to the profits of the lands wherein ſuch coal mines ſhall be found at the time of making ſuch leaſe, and that ſuch conſent be teſtified by ſuch maſter, by his being a party to and executing the ſame, and ſo as the rent thereby to be reſerved, be made payable to the archbiſhop of Armagh and his ſucceſſors, in truſt for the maſter of ſuch free ſchool, during the continuance of ſuch leaſe, and ſo as the leſſee do execute a counterpart thereof.

Leaſes for thirty one years.

(a) And it ſhall be lawful for the ſaid archbiſhop of Armagh and his ſucceſſors, in like manner, and by like conſent teſtified as aforeſaid, to demiſe and grant any leaſes for any term not exceeding thirty one years, of any other mine or minerals in any of the lands held by him or his ſucceſſors in truſt for the purpoſe aforeſaid, under ſuch rents, reſervations, conditions and reſtrictions, as are expreſſed in the ſaid act 10 Geo. 1. but ſo always as the rent thereby to be reſerved, ſhall be in truſt and for the benefit of the ſchool-maſter, who would be intitled to the rents and profits of the ſaid lands in caſe ſuch leaſe had not been made.

Tenants for life.

IV. *ſect.* 3. It ſhall be lawful for all ſuch tenants for life, with ſuch remainders as are herein mentioned, viz. *a huſband tenant for life, with remainder to his wife for her life, with remainder to their firſt and every ſon ſucceſſively in tail, or a wife tenant for life, with remainder to her huſband for his life, remainder to their firſt and every other ſon ſucceſſively in tail, or a father tenant for life, with remainder to his ſon for life, remainder to the firſt and other ſons of ſuch ſon reſpectively in tail*, by indenture to be executed and atteſted as aforeſaid, to demiſe or grant any coal mines within their reſpective lands for the ſame term of years, and at the ſame rents, and with the like remedy for recovery thereof, as is herein before ſpecified concerning leaſes to be made of coal mines, ſo as

No fine.

no fine, nor any other conſideration than the yearly rent reſerved in ſuch leaſes, be paid or given for making the ſame, and ſo as the leſſees do execute counterparts thereof, and ſo as ſuch rents ſhall be reſerved and made payable to the leſſors, and ſuch other perſons as would during the continuance of ſuch leaſe be actually intitled to the profits of the land, in caſe ſuch leaſe had not been made.

Not exceeding thirty one years.

V. *ſect.* 4. It ſhall be lawful for all ſuch tenants for life, with ſuch remainders as before ſpecified, to demiſe and grant leaſes for any term not exceeding thirty-one years, of any other mines or minerals within their reſpective lands, in ſuch manner, and under ſuch rents, reſervations, conditions, and reſtrictions, as are expreſſed in the ſaid act made in the tenth year of king George the firſt.

Fee-farm grants.

VI. *ſect.* 5. It ſhall be lawful for all tenants for life, with any ſuch remainders as are herein before or in the ſaid act 10 Geo. 1. cap. 5. mentioned, of any coal mines excepted and reſerved upon any fee farm grants of the lands wherein ſuch coal mines do lie, by indenture to be executed and atteſted as aforeſaid, to demiſe or grant any leaſes of ſuch coal mines for the ſame term of years, and at the ſame rent, and with like remedy for recovery thereof, as is herein before ſpecified concerning leaſes to be made of coal mines, ſo as no fine or any other conſideration than the yearly rent reſerved in ſuch leaſes, be paid or given for making the ſame, and ſo as the leſſees do execute counterparts thereof, and ſo as ſuch rents ſhall be reſerved and made payable to the leſſors, and ſuch other perſons as would be actually intitled to the profits of ſuch coal mines, in caſe ſuch leaſe had not been made.

VII. *ſect.*

VII. *ſect.* 6. It ſhall be lawful for all tenants for life, with ſuch remainders as herein before or in the ſaid act 10 Geo. 1. mentioned, of any other mines or minerals excepted and reſerved upon any fee-farm grants of the lands wherein ſuch other mines or minerals do lie, to demiſe or grant leaſes for any term not exceeding thirty one years, of ſuch other mines or minerals, in ſuch like manner, and under ſuch rents, reſervations, conditions and reſtrictions as are expreſſed in ſaid act 10 Geo. 1. Other mines or minerals.

VIII. *Stat. 25 Geo. 2. cap. 8. ſect.* 7. No coal owner of coal mines, their overſeer or agent, ſhall knowingly employ any overſeer or agent, engineer, pitman, ſinker, collier, hurrier, bankſman, car, cart, or waggon-driver, labourer, carpenter, wright, ſmith, or other perſons who are or ſhall be retained, hired, or agreed with, and actually employed in the ſaid coal buſineſs, by any other coal owner of collieries or coal mines, their overſeer or agent, during the time he ſhall be employed under ſuch retainer or agreement, and his wages duly paid, or knowingly keep or employ ſuch perſons, upon pain for every ſix days they ſhall keep or employ ſuch perſons, to forfeit and pay the coal owner to whom ſuch perſon was hired or retained, for every ſuch offence five pounds; to be recovered in a ſummary way as debts are recoverable, by civil bill before the judges of aſſize. Employing perſons hired by others.

IX. *ſect.* 8. Provided that any perſons who ſhall be retained, hired or agreed with as aforeſaid, and ſhall not be paid their wages within fourteen days after the ſame ſhall become due, may be hired and employed by any other perſon.

This act is continued, by Stat. 1 Geo. 3. cap. 17. ſect. 32. *for four years, &c. from the end of that ſeſſion.*

X. *Stat. 25 Geo. 2. cap.* 10. *ſect.* 6. It ſhall be lawful for the proprietors of any other coal mine, mines or minerals near rouds (ſet out by the navigation-board) or ſuch other perſons as ſhall work ſuch adjacent coal mine or other mine, to make uſe of ſuch road to ſuch navigable water, they firſt paying a reaſonable contribution to the perſon making ſuch road, the ſaid contribution to be determined by a jury. Roads from coal mines.

XI *Stat. 29 Geo. 2. cap.* 12. *ſect.* 9. No maſter, overſeer, working or other collier ſhall preſume to ſell or diſpoſe of any quantity of coal, raiſed in the colliery he is employed to work in, for money, or other conſideration, unleſs ſuch maſter, overſeer, working, or other collier, ſhall fairly and openly purchaſe the ſame from the owner and proprietor of ſuch coal, or from the perſons authorized by them to ſell the ſame. Selling coals.

(2) And if any maſter, overſeer, working or other collier, ſhall diſpoſe of or ſell for money, or any other conſideration, any quantity of coals ſo raiſed (except as aforeſaid) ſuch maſter, overſeer, working or other collier, ſhall forfeit ſix pence for every hundred of coal he ſhall ſo diſpoſe of as aforeſaid, to the owner and proprietor of ſuch colliery where the ſame was raiſed, together with the horſe and carriage that ſhall be employed in carrying away or drawing the ſame. Six pence for every hundred.

(3) Provided ſuch collier or other perſon employed in carrying away or drawing the ſame, be lawfully convicted thereof by oath before any one juſtice of the peace for the county where ſuch offence is committed, or where ſuch coal is ſeized or taken up. Conviction on oath.

Unlawful combinations.

XII. *ſect.* 19. And if any maſter, overſeer, working or other collier or miner, ſhall after the time aforeſaid enter into any unlawful combinations, or ſhall refuſe to work according to the articles entered into by them with the owners or proprietors of ſuch collieries, or mines, in ſuch caſe, over and above the penalty provided by any former acts, ſuch maſter, overſeer, working or other collier or miner, ſhall forfeit all ſuch money as ſhall be due to them from the owners of ſuch collieries or mines at the time of their entering into ſuch unlawful combination.

Committal.

(2) And ſhall alſo be committed to the common gaol of the county where ſuch offence is committed, there to remain for one calendar month without bail; provided ſuch maſter, overſeer, working or other collier or miner, be lawfully convicted of ſuch offence, on oath before one juſtice of the peace of the county where ſuch offence is committed, or where ſuch offender is found.

This act was to continue until the firſt day of May 1762, and to the end of the then next ſeſſion of parliament; but is now made perpetual by Stat. 1 Geo. 3. cap. 17. ſect. 18.

Stat. 29 G. 2. c. 12. perpetual.

XIII. *Stat.* 1 *Geo.* 3. *cap.* 17. *ſect.* 18. One act paſſed in the twenty ninth year of the reign of his late Majeſty, *to prevent unlawful combinations of tenants, colliers, miners, and others*, &c. which act is now near expiring, ſhall be perpetual.

Abſenting from work.

XIV. *ſect.* 20. If any miner, maſter, or other collier, or other perſon employed in any of the collieries or mines of this kingdom, ſhall abſent himſelf from his work, in breach of his articles or contract with the owners of any colliery, or other mine, or ſhall engage himſelf, or hire with the owners, overſeer or director of any other colliery or mine, or any other perſon, without firſt obtaining a licence, or diſcharge in writing from the owners of the laſt work he was engaged by contract or agreement to work in, ſuch miner, maſter or other collier, on being duly convicted of ſuch offence, ſhall, over and above the penalties provided by any former act, be committed to the common gaol of the county wherein ſuch offence is committed, there to remain for the ſpace of two months, without bail or mainprize.

Hiring miners, &c.

(4) And if any owner of any colliery or mine, ſhall employ or hire any ſuch miner, maſter, or other collier under contract, who ſhall not obtain ſuch licence or diſcharge in writing, and produce the ſame before he ſhall be ſo hired or employed, ſuch owner of a mine or colliery, ſo offending, for ſuch offence, ſhall over and above all the other penalties by any former act, forfeit ten pounds, to ſuch owner from whom ſuch miner, maſter, or other collier ſhall be ſo ſeduced, to be recovered by civil bill, at the aſſizes to be held for the county where ſuch offence ſhall be committed.

Licence or diſcharge.

(5) And if any other perſons ſhall employ or hire any miner, maſter or other collier under contract, knowing him to be ſuch, without a licence or diſcharge obtained, and produced as before mentioned, ſuch perſons ſo offending, ſhall likewiſe forfeit ten pounds, to be recovered in the manner herein before mentioned, ſaid ſum ſo forfeited, to be paid to the maſter or owner of the colliery, from whom ſuch miner, maſter, or other collier ſhall be ſo ſeduced.

The preceding two clauſes relating to colliers, &c. are continued, by Stat. 3 Geo. 3. cap. 16. ſect. 3. *to the firſt day of May 1774, &c. and to the end of the then next ſeſſion of parliament.*

XV. *ſect.*

XV. *ſect.* 32. *The act* 25 *Geo.* 2. *cap.* 8. *(for the puniſhment of all ſuch owners of coals and their agents, as ſhall knowingly employ and ſet at work perſons retained in the ſervice of other coal owners)* is continued for four years from the end of this ſeſſion of parliament, and to the end of next ſeſſion after the expiration of the ſaid four years. Stat. 25 G. 2. c. 8. continued.

XVI. *Stat.* 5 *Geo.* 3. *cap.* 15. *ſect.* 2. *Whereas an act paſſed in the firſt year of the reign of his preſent Majeſty* for reviving, continuing, and amending ſeveral temporary ſtatutes, and for other purpoſes therein mentioned; *which act, as to ſuch part thereof as relates to colliers and miners, who abſent themſelves in breach of contract without licence or diſcharge, or for any owner of any colliery or mine, or any other perſon who ſhall employ or hire any ſuch miner, maſter, or other collier under contract as therein mentioned, was to continue and be of force to the firſt of May one thouſand ſeven hundred and ſixty four, and to the end of the then next ſeſſion of parliament and no longer: and whereas the ſaid act, ſo far as relates thereto, is now near expiring:* it is enacted, that the ſaid act, as to ſuch part thereof as relates to colliers, miners, or owners of mines, or others, as aforeſaid (with the following amendments thereto) ſhall be continued and be in force to the firſt day of May, one thouſand ſeven hundred and ſeventy five, and to the end of the then next ſeſſion of parliament. Recital of the act 1 G. 3. Continued to the 1ſt of May 1775.

XVII. *ſect.* 3. *And whereas it has been ſometimes the cuſtom for owners, proprietors, or occupiers of collieries or coal-mines, to pay the ſeveral perſons reſpectively employed by them in working ſuch collieries or coal-mines, by certain quantities of coal, or other conſiderations, in lieu of money, whereby ſuch owners, proprietors, or occupiers have been greatly defrauded, as well as ſuch perſons ſo employed and paid, have been corrupted into the practice of frauds and other crimes, by which means the community has been conſiderably injured: for remedy whereof it is enacted,* that in caſe any owner, proprietor, or occupier of any coal mines in this kingdom, or any perſons concerned in carrying on and working of the ſame, ſhall pay any maſter collier, or other working collier, or perſon employed in the ſaid coal-mines, their wages, or other price agreed on, or any part thereof, either in large or ſmall coal or cullum, by way of truck, or any other manner than in ready money, and ſhall thereof be lawfully convicted, ſhall forfeit one hundred pounds, to be paid to the informer, to be recovered in any of his Majeſty's courts of record in Ireland, upon an action commenced for the ſame within three calendar months from the time of ſuch offences being committed. Payment of wages of miners, in money only, penalty of one hundred pounds.

XVIII. *ſect.* 4. The ſaid laſt recited clauſe ſhall continue and be in force to the firſt day of May, 1775, and from thence to the end of the then next ſeſſion of parliament. Continuance to May 1775.

XIX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 41. *ſect.* 9. A clauſe in an act of the firſt of his preſent Majeſty, relative to colliers and miners who abſent themſelves in breach of contract without licence or diſcharge, afterwards continued with amendment, by fifth of his preſent Majeſty, further continued to 24th of June 1778, and to the end of then next ſeſſion. Clauſe in 1 G. 3. c. 17. ſ. 7. continued to 24 June, 1778.

XX. *Stat.* 17 & 18 *Geo.* 3. *cap.* 36. *ſect.* 4. A clauſe in an act firſt of his preſent Majeſty, relative to colliers and miners, who abſent themſelves in breach of contract without licence or diſcharge, further continued unto 24th June 1790, and to the end of the then next ſeſſion. Clauſe in 1 G. 3. c. 17. ſect. 17. continued to 24 June 1790.

Juſtices of both benches.

I. *Eng. Stat.* 42 *Edw.* 3. *cap.* 4. In all inquiries the commiſſions ſhall be made to ſome of the juſtices of the one bench, or of the other, or juſtices of aſſize, or juſtices of the peace, with other of the moſt worthy of the country, ſaving in the office of eſcheatorſhip.

Chancellor's power.

II. *Eng. Stat.* 4 *Hen.* 4. *cap.* 9. Becauſe many commiſſioners be made in chancery, ſometime to inquire and certify, ſometime to inquire, hear, and determine, and ſometime to ſeiſe lands and goods, which commiſſions never come to the hands of the commiſſioners, whereupon writs iſſue out of the exchequer to diſtrain ſuch commiſſioners, ſometime to yield the eſtreats of the fines, ſometime to certify that which is found before them by inqueſt, and ſometime to account of certain things contained in the commiſſions to the great damage of the people; it is ordained, that the chancellor uſe his power as before time in this caſe, and in other caſes the chancellor calling to him ſuch juſtices as him ſhall pleaſe, or the chief baron of the exchequer, ſhall have power by authority of parliament to provide remedy.

Excuſe to be received.

III. *Eng. Stat.* 7 *Hen.* 4. *cap.* 11. Whereas people be aſſigned by commiſſions, ſome to hear and determine, ſome to inquire and certify and otherwiſe, whereby the commiſſioners be grievouſly diſtrained by proceſs of the exchequer, where the ſaid commiſſioners were never knowing of ſuch commiſſions, nor the ſame commiſſion never came to their hands; it is ordained, that the barons of the exchequer ſhall have power to receive the oath of ſuch commiſſioners, of their excuſe and diſcharge of the receipts of ſaid commiſſions.

By *dedimus* in the country.

(2) And alſo that the barons and the juſtices of the one bench and the other ſhall have power by *dedimus poteſtatem* to receive ſuch oaths in the country. And the juſtices ſhall thereof certify the barons in the exchequer, and the barons ſhall diſcharge the commiſſioners; and in like wiſe it ſhall be done for their heirs, executors, or land-tenants; provided that ſuch oaths be not taken but in the caſe of commiſſions of oyer and terminer, and of inquiry and certifying only.

Quorum.

IV. *Stat.* 28 *Hen.* 6. *ſeſſ.* 2. *cap.* 2. No commiſſion ſhall be made out of the chancery to any, to inquire, hear, and determine, or to inquire, hear and certify, in the counties of Dublin, Kildare, Meath, and Uriel, of treaſons, felonies, or goods of felons, and men outlawed, treſpaſſes, contempts, and all other offences, but that the chancellor or treaſurer, or juſtices of the one bench, or of the other, or barons of the exchequer, the King's ſerjeant or attorney, or one of them, ſhall be put into the commiſſion, and in the *quorum*, and preſent at time of ſuch inquiſitions taken, ſaving the commiſſions to juſtices, or keepers of the peace after the old cuſtom.

Void otherwiſe.

(2) And if any ſuch commiſſion be made to the contrary, it ſhall be void, and all the things contained within the inquiſitions ſo taken.

Common Pleas.

Held in a certain place.

I. *Eng. Stat.* Magna Charta, 9 *Hen.* 3. *cap.* 11. Common pleas ſhall not follow the King's court, but be held in ſome place certain.

Adjournment.

II. *Eng. Stat.* 2 *Edw.* 3. *cap.* 11. The juſtices of the common bench, before the bench ſhall remove, ſhall be warned by a time, ſo that they may adjourn the parties by ſuch time that they loſe not their proceſs.

I. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 4. *ſect.* 2. All perſons being grantees or aſſignees, to or by the King or any other perſons, and their heirs, executors, ſucceſſors, and aſſigns, ſhall have like advantage againſt the leſſees, their executors, adminiſtrators, and aſſigns, by entry for non-payment of the rent, or for doing of waſte or other forfeitures. Grantees of the King.

(2) And alſo ſhall have ſuch benefit and remedies by actions only, for not performing other conditions, covenants, or agreements, contained in the indentures of their leaſes, demiſes, or grants, againſt all leſſees and farmors, and grantees, their executors, adminiſtrators, and aſſigns, as the ſaid leſſors or grantors themſelves, or their heirs or ſucceſſors might have had, as if the reverſion of ſuch lands had remained in the grantors or leſſors, their heirs and ſucceſſors. Remedy by actions.

II. *ſect.* 3. All farmors, leſſees, and grantees of lands, tenements, rents, parſonages, tythes, portions, or any other hereditaments for term of years or lives, their executors, adminiſtrators, and aſſigns, ſhall have like action and remedy againſt all perſons and bodies-politick, their heirs, ſucceſſors, and aſſigns, which ſhall have any gift or grant of the reverſion of the lands ſo let, for any condition, covenant, or agreement contained in the indentures of their leaſes, as the ſame leſſees ſhould have had againſt the ſaid leſſors and grantors, their heirs or ſucceſſors, all benefit and advantages of recoveries in value, by reaſon of any warranty in deed or law only excepted. (*Eng. Stat.* 32 *Hen* 8. *cap.* 34.) Leſſees of lands.

III. *Stat.* 15 *Car.* 1. *cap.* 3. *ſect.* 2. If any perſons, bodies politick, or corporate, having any lands by virtue or colour of any original grant or leaſe, or aſſignment made by the King or any of his predeceſſors or ſucceſſors for years or lives, in fee tail or fee ſimple, or other eſtate whereupon any rent ſervice or other duty ſhall be reſerved, under any condition of re-entry, ceſſer, or to be void for default of payment of ſuch rent, or performance of ſuch ſervice or duty, ſhall make any default therein, and yet after ſuch default made, ſuch rent ſervice or other duty, ſhall be anſwered unto his Majeſty, or to any other having authority to receive the ſame, before any advantage of ſuch forfeiture ſhall be taken, and before any commiſſion awarded to inquire, or other proceſs iſſued, touching the ſaid forfeiture or non-payment of rent, no advantage ſhall be taken by his Majeſty of any ſuch forfeiture. Default in payments, &c.

IV. *ſect.* 3. No perſons claiming under his Majeſty, or any of his predeceſſors or ſucceſſors, at any time after ſuch cauſe of forfeiture given, ſhall in any wiſe take any benefit or advantage by colour of ſuch default. Grantees of the King.

(2) But every ſuch eſtate forfeited or forfeitable by occaſion of ſuch default of payment of rent, or performance of ſervice or other duty, ſhall be adjudged to continue and have his being as if no ſuch default or cauſe of forfeiture had been. (*Eng. Stat.* 21 *Jac.* 1. *cap.* 25.) Eſtates forfeited.

V. *Stat.* 15 *Car.* 1. *cap.* 6. *ſect.* 7. No words of covenant, agreement, or command, nor any article or words purporting in ſubſtance a covenant, agreement, or command, mentioned in any letters patent, ſhall be conſtrued or expounded as a proviſo or condition, and that the breach thereof, or the doing of any act contrary to any thing commanded, agreed, or covenanted for, in or by any clauſe, article, or words in any letters patent, or the not doing or miſdoing of any thing therein or thereby required or injoined, ſhall not give cauſe either of avoidance or impeachment of any letters patent in part or in the whole- Words of covenant.

whole, or of fine, impriſonment, or other puniſhment of the prties delinquent, or of any other forfeiture, penalty or loſs.

Reaſonable damages.

(2) But only that his Majeſty, his heirs and ſucceſſors, may recover ſuch his or their reaſonable damages for the ſame, by action of covenant in any of his Majeſty's courts, or Engliſh bill in the court of exchequer here, as in caſes of breach of covenant are uſual to be awarded or given in actions of covenants brought at the common law, in any of the ordinary courts of juſtice, for or upon like breach, omiſſion, or not doing or miſdoing.

Saving of entry.

(3) Provided, that this laſt clauſe ſhall not bar his Majeſty, his heirs or ſucceſſors, of any entry or reſeizure for breach of any expreſs condition in any letters patent expreſſed.

Confirmation of Statutes.

The confirmation of divers ſtatutes relative to particular matters ſee under their diſtinct titles.

Recital of 10 H. 7. c. 22.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 48. *ſect.* 1. Whereas by tenth of Henry the ſeventh, all ſuch ſtatutes in England as concerned the commonweal, were confirmed in this kingdom; and after that, and particularly upon the rebellions in o n thouſand ſix hundred and forty one, and one thouſand ſix hundred and eighty eight, divers ſtatutes were made in England, and, ſince the union, in Great Britain for ſettling and aſſuring the forfeited and other eſtates, and for regulation of trade, and other purpoſes; and it is expedient to give aſſurance, and remove apprehenſion concerning title of lands; and it is the deſire, as well as true intereſt of this kingdom to promote the navigation, trade, and commercial intereſt of Great Britain as well as Ireland, and a ſimilarity of laws, manners, and cuſtoms, muſt naturally conduce to ſtrengthen and perpetuate affection and harmony between Great Britain and Ireland: all ſtatutes heretofore in England or Great Britain, for ſettling and aſſuring the forfeited eſtates in this kingdom, and all private ſtatutes under which any lands, tenements, or hereditaments, or any eſtate or intereſt therein, are holden or claimed, or which any way concern the title thereto, or any evidence reſpecting the ſame; and all ſuch clauſes or proviſions in any ſtatutes in England or Great Britain concerning commerce, as import to impoſe equal reſtraints on ſubjects of England, or Great Britain and Ireland, and to entitle them to equal benefits; and all ſuch as equally concern the ſeamen of England or Great Britain and Ireland, ſave ſo far as altered or repealed, ſhall be accepted, uſed, and executed in this kingdom, according to the preſent tenor reſpectively: provided all ſuch ſtatutes ſo concerning commerce, ſhall bind ſubjects of Ireland only, ſo long as they continue to bind ſubjects of Great Britain.

Aſſurance of lands.

Acts concerning commerce, ſave as altered or repealed, ſhall be executed in Ireland.

Statutes concerning ſtile or calendar, oath, declaration, &c.

II. *ſect.* 2. All ſuch ſtatutes in England or Great Britain, as concern the ſtile or calendar, and ſuch clauſes or proviſions as relate to taking any oath, or making or ſubſcribing any declaration or affirmation in this kingdom, or any penalty or diſability for omitting, or relate to continuance of any office, civil or military, or any commiſſion, writ, proceſs, or proceeding at law or in equity, or court of delegacy or review, in caſe of a demiſe of the crown, ſhall be accepted, uſed, and executed in this kingdom, according to the preſent tenor.

Conſimili caſu.

I. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 24. *ſect.* 1. Where in one caſe a writ is granted, in a like caſe alſo needing a like remedy a writ ſhall be made. If a houſe, wall, *&c.* which is a nuiſance be aliened, a writ ſhall be. Writs to be granted.

II. *ſect.* 2. In like manner as a parſon of a church may recover common of paſture by writ of *novel diſſeiſin*, in the ſame manner his ſucceſſor ſhall recover againſt the diſſeiſor, or his heir by *quod permittat*. In the ſame manner as a writ is granted, whether a tenement be the free alms of any church or lay-fee ſuch writ ſhall alſo be made, whether it be the free alms of ſuch church or of another church. Quod permittat.

(2) And alſo ſuch as cauſe children within age to appeal men of felony, whereby they are impriſoned, and ſuch as retain men in the country with liveries or fees to maintain their malicious enterpriſes, and to drown the truth, and this extendeth as well to the takers as to the givers, and ſtewards and bailiffs of great lords, which by their office undertake to maintain quarrels, pleas, and debates that concern other parties. Maintainance.

III. *Eng. Stat.* 7 *Hen.* 5. For as much as divers have cauſed to be indicted and appealed divers liege people of treaſons and felonies, pretending that the treaſons or felonies were committed in a certain place, where of truth no ſuch place is to be found in the county: it is ordained that every juſtice which hath power to hear and determine ſuch treaſons and felonies by the oath of twelve men, of whom every one ſhall have freehold in the county, to the yearly value of 100*s.* before the exigent be awarded, without allegations of the party, as well in the party's abſence as his preſence, ſhall inquire of office whether any ſuch place be in the county or not. Inqueſt of office.

(2) And if it be found that there is no ſuch place, then ſuch appeals and indictments ſhall be void; and in ſuch caſe the indictors ſhall be puniſhed by impriſonment, fine, and ranſom; and if exigent be awarded before ſuch inquiſition of office be taken, the exigent ſhall be likewiſe void. *Made perpetual, by Eng. Stat.* 18 Hen. 6. cap. 12. Indictors puniſhed.

IV. *Eng. Stat.* 18 *Hen.* 6. *cap.* 12. *In the recital of the foregoing ſtatute,* par. III. *is contained this proviſion,* and the ſaid appellees and indictees may have writs of conſpiracy againſt their indictors, procurers and conſpirators, and recover their damages. Writs of conſpiracy.

Conſtables.

I. *Stat.* 5 *Edw.* 4. *cap.* 5. In every Engliſh town of this land that paſs three houſes holden by tenants, where no other preſident is, ſhall be choſen by his neighbours or by the lord of the ſame town, one conſtable to be preſident and governor of the ſame town, in all things that pertaineth to the common rule of the ſame town, as is in ordinance of night watch from Michaelmas to Eaſter yearly, under pain of three pence every night, under pain of two ſhillings from one month to other after the publication hereof till the conſtable be made. Engliſh towns.

II. *Stat.* 10 *Hen.* 7. *cap.* 9. There ſhall be in every barony within every ſhire two wardens of peace having authority as it hath been uſed of old time, and in every pariſh, conſtables of able perſons inhabitants within the ſaid pariſhes. Baronies and pariſhes.

Part of the two preceding ſtatutes relative to erecting butts, &c. has been omitted as obſolete.

Preſentment of grand jury.

III. *Stat.* 7 *Geo.* 2. *cap.* 12. *ſect.* 3. Every high conſtable who ſhall be appointed for any barony except the city of Dublin and county of Dublin, ſhall be appointed by a preſentment of the grand-jury of ſuch county, at the general aſſizes held for the ſame, to be confirmed by the court, and not at any quarter-ſeſſions.

Office for one year.

(2) And ſuch high conſtable ſhall continue in his office for one year after ſuch appointment, unleſs ſooner removed by the preſentment of ſuch grand-jury to be ſo confirmed as aforeſaid.

Accounting for publick money.

(3) And every ſuch high conſtable ſhall at the expiration of one year be diſcharged from the ſaid office, provided he has duly accounted for the publick money which came to his hands, and ſhall produce to the grand-jury at the aſſizes an authentick diſcharge for the ſame, under the hand of the treaſurer of ſuch county.

Arrears recoverable.

IV. *ſect.* 4. All arrears of publick money due from any high conſtable in his life time, may after the death of ſuch high conſtable be recovered by the treaſurer of the county, againſt the executors or adminiſtrators of ſuch high conſtable, out of his aſſets in a ſummary way, before the juſtices of aſſize, by civil bill in the name of the ſaid treaſurer, although the ſum ſo ſued for exceed twenty pounds.

Summons by twelve days.

(2) Provided the perſon ſo ſued be duly ſerved with a ſummons, by the ſpace of twelve days at leaſt before the firſt day of the aſſizes, in which caſe the defendants ſhall have all equitable defences, and each party the like benefit of appeal as in other caſes proſecuted by civil bill, provided alſo that ſuch bill be proſecuted within two years next after the death of ſuch high conſtable.

Leets and torns.

V. *Stat.* 23 *Geo.* 2. *cap.* 14. *ſect.* 1. If any ſeneſchal of a manor ſhall neglect to hold his leet, at the time when the ſame ought to be held for appointing petty conſtables in ſuch leet, or if ſuch leet being held, ſhall neglect to appoint petty conſtables, and if the ſheriff of any county, having the appointment of petty conſtables in his torn, ſhall neglect to hold his torn at the time when the ſame ought to be held for appointing ſuch conſtables therein, or if ſuch torn ſhall be held, there ſhall be a neglect of appointing petty conſtables therein, or if from any other cauſe no petty conſtable ſhall be duly appointed for any diſtrict, at the time when ſuch conſtable ought to be appointed, the juſtices of the peace for the county in which ſuch torn or leet is, are required at their next ſeſſions to appoint for that time, and to ſwear petty conſtables for the ſeveral diſtricts and diviſions within the precincts of ſuch torn or leet reſpectively.

Juſtices of peace.

Juſtices of aſſize.

(2) And if the ſaid juſtices of the peace ſhall neglect ſo to do, the juſtices of and at the next aſſizes for ſuch county, and the judges of the king's-bench in term for the county of Dublin, upon preſentment of the grand jury of ſuch county, ſhall appoint, ſwear, or order to be ſworn before any juſtice of the peace of ſuch county, the perſons named in ſuch preſentment, into the office of petty conſtable for the ſeveral diſtricts and diviſions ſo neglected.

Service limited.

VI. *ſect.* 2. Provided that the petty conſtables ſo appointed by the ſaid juſtices of the peace and judges of aſſize, and judges of the kings-bench, ſhall not be compelled to ſerve for a longer time than they would have been reſpectively

ſpectively obliged to ſerve in the ſaid office, in caſe they had been duly appointed in the torn or leet.

VII. *ſect.* 3. If any petty conſtable during the time of his ſerving in the ſaid office, ſhall die or remove out of the precincts of the diſtrict or diviſion for which he was appointed, or ſhall be lawfully removed from the ſaid office, it ſhall be lawful for any two juſtices of the peace for the county to appoint and ſwear a new petty conſtable in his room, to continue until the next torn or leet. Death or removal.

Or in default of ſuch torn or leet being held at the uſual time, or appointing thereat a petty conſtable until the next ſeſſions of the peace after ſuch uſual time, and in default of ſuch next ſeſſions until the next aſſizes, at which next torn, leet, ſeſſions or aſſizes as the caſe ſhall be, the ſheriff, ſeneſchal, juſtices, or judges may approve of the conſtable appointed as aforeſaid, and ſworn, or if they think fit may appoint another to ſerve the remainder of the time of the conſtable ſo dying or removed. Default of torn or leet.

VIII. *ſect.* 4. Every perſon who ſhall ſerve one year in the office of high conſtable, and ſhall have accounted for all the publick money within his barony or diſtrict, and be legally diſcharged from the ſaid office, ſhall not be compelled by any grand jury to ſerve again in the ſame office during ſeven years next enſuing ſuch diſcharge, and if he ſhall be appointed by the preſentment of any grand jury, ſuch preſentment ſhall not be confirmed by the judges of aſſize. Exemption for ſeven years.

IX. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 46. If any pariſhes ſhall be ſo large, that one conſtable ſhall not be ſufficient to do the whole office of a conſtable within the ſaid pariſhes, it ſhall be lawful to make and appoint two or more conſtables for ſuch pariſhes, in ſuch manner as ſuch one conſtable was formerly appointed for the ſame, which new conſtables ſhall have ſuch and the ſame power and authority as any other conſtable hath, or by the laws of this realm ought to have. Large pariſhes. Two or more conſtables.

X. *Stat.* 21 & 22 *Geo.* 3. *cap.* 15. *ſect.* 52. If any conſtable ſhall refuſe upon requeſt by revenue officer to attend and aſſiſt in execution of his duty, in any matter relative to his Majeſty's revenue, where by law the preſence or re-attendance of a conſtable is neceſſary, ſuch conſtable ſhall forfeit fifty pounds over and above all other penalties, and in default of payment, ſuffer three month's impriſonment. Conſtables refuſing attendance.

Contra formam collationis.

I. *Eng. Stat.* Weſtminſt. 2. 13 *Edw.* 1. *cap.* 41. *ſect.* 1. If keepers of hoſpitals and other religious houſes founded by the King, alien lands given by the King, the land ſhall be taken into the King's hands, and the purchaſer ſhall loſe his recovery as well of the land as of the money that he paid; and if the houſe was founded by another perſon, he from whom or from whoſe anceſtor the land was given, ſhall have a writ to recover the land, *viz.* Aliening lands.

II. *ſect.* 2. *Command* ſuch a one *that juſtly, &c. he render to* G. F. ſuch a tenement, *which to the ſame houſe was collated in free alms by the aforeſaid* G. *or his anceſtors, and which to the aforeſaid* G. *ought to revert by the alienation which the aforeſaid* ſuch a one *made of the aforeſaid tenement againſt the form of the aforeſaid collation, as he ſaith.* Form of writ.

Maintenance of alms.

III. *ſect.* 3. In like manner for land given for maintenance of alms, if the land be aliened; but if the land be not aliened, but ſuch alms is withdrawn for two years, an action will lie for the donor or his heir to demand the land as by *Stat.* Glouceſter. *cap.* 4. *See Tit.* **Ceſſavit.** *ſect.* 1.

Convocation.

Privilege of the clergy.

I. *Eng. Stat.* 8 *Hen.* 6. *cap.* 1. The clergy called to the convocation by the King's writ, and their ſervants and familiars, ſhall enjoy ſuch liberty for defence in coming, tarrying, and returning, as the great men and commonalty of the realm called to parliament ought to enjoy.

Conuſance of pleas.

Naming by colluſion.

I. *Eng. Stat.* 9 *Hen.* 4. *cap.* 5. In aſſizes and writs before juſtices at the common law, in which mayors, bailiffs and commonalties, or lords or bailiffs of antient demeſne be named, to exclude them of their conuſance, ſuch juſtices ſhall firſt enquire by the aſſize in the country, whether the ſaid mayors, bailiffs and commonalty, or lords or bailiffs of antient demeſne (if they require it) before ſuch juſtices be diſſeiſors or tenants in ſuch caſe, or be named by colluſion.

Abating writs.

(2) And if it be found that they be not diſſeiſſors nor tenants, but be named by colluſion, the juſtices ſhall cauſe the ſaid aſſizes or other writs to be abated, and the plaintiffs ſhall be grievouſly amerced.

Inqueſt of defaults.

II. *Eng. Stat.* 8 *Hen.* 6. *cap.* 26. In aſſizes and actions perſonal, ſued before the King in his bench, or any the King's juſtices, of lands or of any thing ariſing within any franchiſes or antient demeſne, whereof the conuſance ought to pertain to any lords, mayors, bailiffs, citizens, or burgeſſes or commonalty; if any defendant in ſuch aſſize or other actions, make default to exclude the aforeſaid lords, *&c.* of their conuſance, the juſtices at the requeſt of the ſaid lords, *&c.* ſhall make enquiry by the aſſize, where ſuch exceptions are alledged in aſſizes, and in actions perſonal, by inqueſt to be taken before the juſtices, whether ſuch defaults be made as aforeſaid or not, in which aſſize and inqueſt as well the plaintiffs as the lords, *&c.* may have their challenges.

Plaintiffs in mercy.

(2) And if it be found by ſuch aſſizes or inqueſts, that ſuch defaults be made by colluſion to exclude the lords, *&c.* of their conuſances or juriſdiction, the ſaid writs ſhall be abated, and the plaintiffs ſhall be in the King's mercy.

Convicts.

Recital.

I. *Stat.* 17 & 18 *Geo.* 3. *cap.* 9. *ſect.* 1. Whereas tranſportation of convicts to colonies and plantations in America, now in uſe by ſeveral ſtatutes, is attended with various inconveniencies, particularly by depriving this kingdom of many ſubjects, whoſe labour might be uſeful to the community, and by proper care and correction might be reclaimed; and until ſome other

more

more effectual provisions in place of transportation can be framed, such convicts (being males) might be employed with benefit to the publick in raising sand, soil, and gravel, or other service for benefit of navigation of the river and harbour eastward of Essex-bridge, or in any other service herein after directed, or being females might be kept to labour of a less severe kind within this kingdom: after the passing of this act, when any male at any session of oyer and terminer or gaol delivery, or quarter or general sessions for any county, city, town, or place, lawfully convicted of grand or petit larceny, or other crime, for which liable by law to transportation to any colonies or plantations in America, it shall be lawful for the court, before whom so convicted, or any court held for the same place, with like authority, if such court think fit, in place of such punishment by transportation, to order and adjudge, that such person shall be punished by being kept to hard labour in raising sand, soil and gravel from and cleansing the river Anna Liffey in the harbour of Dublin, or any other service for benefit of navigation of said river and harbour eastward of Essex-bridge, under management and direction of an overseer or overseers, appointed by justices for county of the city of Dublin, at quarter or other general sessions, for the same term of years, as transportation for said offence might by law have been adjudged, or such shorter term as such court think fit, provided in no case less than three or more than ten years.

male convicts, liable to transportation, instead thereof kept to hard labour in river and harbour of Dublin,

under overseers at sessions.

for same or shorter term, not under 3 or above 10 years.

II. *sect.* 2. Where any male at any session of oyer and terminer, or gaol delivery, quarter or other general session of the peace for any county, city, town, or place, lawfully convicted of any robbery or felony, for which by law liable to suffer death without benefit of clergy, and his Majesty shall extend the royal mercy to any such offender, upon condition of being kept to hard labour for ten years, or any shorter time specified, in custody of such overseers as aforesaid, and such intention of mercy notified in writing by secretary of chief governors to the judge or justice of oyer and terminer, or gaol delivery, in any county, city, or place, before whom convicted or condemned, it shall be lawful for every such judge or justice to make an order for allowing forthwith to every such offender the benefit of a conditional pardon, in same manner, as if a conditional pardon under great seal, and shall adjudge that every such offender be kept to hard labour in custody of such overseers for the time specified in the notification.

Convicted of felony, and the royal mercy notified, allowed conditional pardon.

III. *sect.* 3. When any offender ordered to be kept to hard labour in manner aforesaid, or as herein after the clerk of assize, peace, or other clerk of court, by which such order made, shall give the sheriff or gaoler having custody a certificate under his hand, containing an account of the christian name, surname, and age of such offender, his offence, the court before whom, and term for which he shall be so ordered to hard labour; and the sheriff or gaoler shall, with all convenient speed after such order and certificate, convey such offender, or cause to be conveyed to such place within this kingdom, and also deliver, or cause him to be delivered, together with said certificate, to such overseers as aforesaid; and overseers to whom so delivered, shall give a proper receipt under their hands, which shall be a sufficient discharge to the sheriff or gaoler.

Sheriff or gaoler shall deliver offender to overseers.

IV. *sect.* 4. All expences by sheriff or gaoler in conveyance of any such offender shall be paid by the county, city, town, or place, for which the court ordering such punishment by hard labour instead of transportation shall be held; and the sheriff or gaoler shall receive the money due from the treasurer

Expences paid by county treasurer.

treaſurer by order of the juſtices at quarterly or other general ſeſſion, who are required to make ſuch order.

Overſeers have ſame power, and liable as gaoler for abuſe.

V. *ſect.* 5. After delivery of any ſuch offender into cuſtody, to which adjudged, overſeers, who ſhall have the cuſtody, ſhall, during the term for which ordered to hard labour, have ſome power over ſuch offender, as incident to office of a ſheriff or gaoler; and in caſe of any abuſe of cuſtody, or other miſbehaviour in diſcharge of office, ſhall be liable to ſame puniſhment as a gaoler; and alſo ſhall during ſuch term keep ſuch offender to hard labour, either in raiſing ſand, ſoil and gravel from and cleanſing river Anna Liffey in harbour of Dublin, or in any other laborious ſervice, for benefit of navigation of ſaid river and harbour eaſtward of Eſſex-bridge, but at ſuch places only, and ſubject to ſuch directions, limitations and reſtrictions, as ballaſt-office committee from time to time preſcribe.

Not employed in ballaſting ſhips, but in levelling banks.

VI. *ſect.* 6. Provided ſuch offenders, when ordered to hard labour in the river or harbour of Dublin, ſhall in no caſe be employed in delivering tonnage of ballaſt to maſters and commanders of ſhips, but only in digging, raiſing, and taking up gravel, ſand, and ſoil from the ſhelves and ſand-banks of ſaid river and harbour, and in diſcharging upon the ſhore above high water-mark, or in ſome other laborious work for the benefit of the navigation.

Bread and wholeſome coarſe food, water or ſmall beer,

if other ſupplied, penalty not above 40s.

VII. *ſect.* 7. Every offender, ordered to hard labour in cuſtody of overſeers, ſhall during ſervice be fed and ſuſtained with bread and wholeſome coarſe inferior food, and water or ſmall beer, and alſo ſufficiently clothed; and ſhall not be permitted to have any other food, drink, or clothing, than ſuch as ſo allotted; and if any perſon ſhall ſupply any ſuch offender, during his ſervice, with any drink, food, or clothing, other than is ſo directed or permitted, he or ſhe ſhall, for every ſuch offence, forfeit any ſum not exceeding forty ſhillings.

Refuſing labour or miſbehaving.

VIII. *ſect.* 8. If any offender during the term of ſuch ſervice refuſe to perform any labour authorized by this act, or guilty of any other miſbehaviour or diſorderly conduct, it ſhall be lawful for overſeers having cuſtody to order ſuch moderate whipping or other puniſhment to be inflicted, as by law on perſons committed to a houſe of correction for hard labour.

Reſtored to liberty, to receive from overſeer not under 40s. nor above 5l. with clothing as court appoints.

IX. *ſect.* 9. Every offender kept to hard labour ſhall at end of ſervice, and upon being reſtored to his liberty, receive from overſeers, under whom he ſerved, ſuch ſum not leſs than forty ſhillings nor more than five pounds, together with ſuch decent clothing, as the court into which ſuch return made as after mentioned appoint; and if whilſt confined ſhall by his induſtry and other good behaviour ſhew ſuch ſigns of reformation, as ſhall induce ſaid court to recommend him as an object of mercy, and it ſhall be thereupon ſignified by a letter from ſuch ſecretary to the overſeers, that his Majeſty thinks fit in conſideration of ſuch good behaviour to ſhorten the duration of ſuch term, ſuch offender ſhall be accordingly ſet at liberty at the time in ſuch letter, and receive a ſum from his overſeer and clothing in ſame manner as if he had ſerved the whole of the term.

For females, and weak or aged males, confined to hard labour in place appointed not under 3 or above ten years.

X. *ſect.* 10. Whereas in many caſes it might be inconvenient to ſend convicts eſpecially females, and males weak and aged, to work in clearing in ſaid river: where any perſon at any ſeſſion of oyer and terminer, or goal delivery, or quarter or other general ſeſſion of peace for any county, city, town or place lawfully convicted of grand or petit larceny, or other crime for

for which he or ſhe liable by law to tranſportation, it ſhall be lawful for the court in which convicted or any court held for the ſame place, and with like authority, if ſuch court think fit, in place of ſuch puniſhment by tranſportation to order and adjudge, that ſuch perſon ſhall be ſent to ſome proper place of confinement within ſaid county, city, town, or place appointed in manner after mentioned, there to be kept to hard labour for ſuch term as ſuch court ſhall appoint, not exceeding the term for which tranſportation for ſaid offence might have been adjudged, provided the ſame ſhall in no caſe be leſs than three or more than ten years.

Felons on ſecretary's notification to the judge, allowed conditional pardon.

XI. *ſect.* 11. Where any perſon lawfully convicted of robbery or other felony, for which he or ſhe liable to ſuffer death without benefit of clergy, and his majeſty ſhall extend the royal mercy to any ſuch offender, upon condition of hard labour at the place of confinement to be appointed in manner after mentioned, and ſuch intention of mercy notified in writing by the ſecretary to the judge or juſtice before whom convicted or condemned, it ſhall be lawful for every ſuch judge or juſtice of oyer and terminer, or general gaol delivery, to make an order for allowing forthwith to every ſuch offender the benefit of a conditional pardon in ſame manner as if under great ſeal, and ſhall adjudge, that every ſuch offender be kept to hard labour for the time ſpecified in the notification.

Sheriff or gaoler on clerk's certificate, ſhall deliver offenders to houſe of correction on receipt,

XII. *ſect.* 12. When any offender ordered to hard labour in manner aforeſaid, the clerk of aſſize, peace, or other clerk of the court, by which ſuch order made, ſhall give ſheriff or gaoler, having cuſtody of offender, a certificate under his hand, containing account of the chriſtian name, ſurname, and age of offender, his or her offence, the court before whom convicted, and term for which he or ſhe ordered to hard labour; and the ſheriff or gaoler ſhall with all convenient ſpeed after ſuch order, and receiving ſuch certificate, convey or cauſe him or her to be conveyed, to the proper houſe of correction, and deliver or cauſe to be delivered together with ſaid certificate into cuſtody of the maſter or keeper; and perſons, to whom ſo delivered, ſhall give a proper receipt under their hands, which ſhall be a ſufficient diſcharge to the ſheriff, gaoler, or other perſon ſo delivering; and all expences by any ſheriff or gaoler in conveying ſuch offender to houſe of correction ſhall be paid by the county, city, town or place for which the court ordering ſuch puniſhment held, in ſame manner as before directed in reſpect to offenders ordered to hard labour in river Anna Liffey and harbour of Dublin.

expence paid as aforeſaid.

Houſes of correction conſidered at next ſeſſion of peace,

proper places for offenders prepared, and regulating orders,

keepers liable as gaolers.

XIII. *ſect.* 13. The juſtices for every county, city, town, and place, ſhall at the firſt quarter or other general ſeſſion of peace held next after paſſing this act take into conſideration the ſtate of their houſes of correction, that proper places within the ſame, or elſewhere within each county, city, town, and place, may be prepared for ſuch offenders as ordered to hard labour therein by this act, and for purpoſes aforeſaid; and for keeping ſuch offenders to hard labour, employment, regulation, and government, ſhall give ſuch directions and orders, as ſuch juſtices think moſt fit and proper, as they are authorized to by the laws now in force in reſpect to houſes of correction, or by any of them; and the keeper of the place of confinement ſhall, in caſe of abuſe of cuſtody or other miſbehaviour in diſcharge of office, be liable to ſame puniſhment as a gaoler.

Reſcuing or aſſiſting reſcue, or eſcape, or attempt,

XIV. *ſect.* 14. If any perſon reſcue any offender, by this act ordered to hard labour or houſe of correction, either in his conveyance or whilſt in cuſtody

on conviction by indictment the same portion of labour or correction.

of perſons appointed, or if any perſon aiding or aſſiſting in ſuch reſcue, or if any perſon, not having actual cuſtody of any ſuch offender, ſhall be aiding and aſſiſting in any eſcape, or ſhall by ſupplying arms and inſtruments of diſguiſe or eſcape, or otherwiſe in any manner be aiding and aſſiſting in attempt to make any ſuch eſcape, though no ſuch eſcape be made; every ſuch perſon convicted of ſuch offence by indictment before any court of oyer and terminer, and general gaol-delivery, for the place where ſuch offence committed, ſhall be by ſuch court adjudged and ordered to the ſame portion of hard labour or correction, as the perſon reſcued or eſcaped, or attempted to be aided in any eſcape, had to ſerve or ſuffer at the time of ſuch reſcue, eſcape, or attempt.

For firſt eſcape term of ſervice doubled,

XV. *ſect.* 15. If any perſon ordered to hard labour under this act either in the river or harbour and bay of Dublin, or at any place of confinement appointed by this act, ſhall during the term break priſon or eſcape from the place of his or her confinement, or from the perſons having lawful cuſtody of ſuch offender, he or ſhe ſhall on conviction for firſt eſcape be puniſhed by doubling the term of ſervice and hard labour, in which he or ſhe was at the time of ſuch eſcape, and for a ſecond be adjudged guilty of felony, without benefit of clergy, and ſuffer death accordingly.

ſecond, felony, death.

Trial where taken,

XVI. *ſect.* 16. And that ſuch convictions may be had with as little trouble and expence as poſſible; every offender eſcaping ſhall be tried before juſtices of aſſize, oyer and terminer, or gaol delivery for the county, city, or place where apprehended and taken; and the clerk of aſſize and peace where ſuch orders of confinement or hard labour made, and their ſucceſſors, ſhall at requeſt of proſecutor, or any other in his majeſty's behalf, certify a tranſcript briefly and in few words containing effect of every indictment and conviction of ſuch man or woman, and of the order for confinement or being ſent to hard labour to the juſtices where indicted for any ſuch eſcape, not taking for the ſame above two ſhillings and ſix-pence; which certificate produced in court ſhall be a ſufficient proof, that ſuch perſons have before been convicted and ordered to ſuch place of confinement or hard labour reſpectively.

clerk's certificate evidence of former conviction,

fee 2s. 6d.

Clerk, ſheriff, gaoler, paid as uſual on tranſportation.

XVII. *ſect.* 17. Provided ſuch clerk of court and ſheriff or gaoler ſhall be paid by treaſurer of the county, city, town or place, like ſatisfaction as uſually paid for order of tranſportation of any offender.

Offenders ſeparated from thoſe of inferior degree.

XVIII. *ſect.* 18. Provided offenders ſent to and confined in ſuch places appointed, kept ſeparate from and not ſuffered to intermix with any perſons confined for any offence under petit larceny, or other crime not making the perſons having committed the ſame ſubject to tranſportation.

Returns by overſeers,

XIX. *ſect.* 19. The overſeers of places of confinement appointed by this act ſhall, from time to time make returns, ſpecifying the names of all perſons committed to their cuſtody, the offences of which guilty, the court before which each convicted, the ſentence, age, bodily ſtate, and behaviour of every ſuch convict while in cuſtody, and alſo the names of all who have died under ſuch cuſtody, or eſcaped from ſuch confinement, or releaſed by order from ſuch ſecretary as aforeſaid; ſuch returns from overſeers of convicts employed in laborious ſervice for navigation of ſaid river, bay, and harbour, to be made the firſt of every term to king's bench, and from overſeers of other places of confinement to juſtices of aſſize at each aſſize, and juſtices of peace at each quarter or other general ſeſſions for the county, city, or place within which ſuch place of confinement ſituate; and every ſuch return ſhall be verified on oath of the perſon making the ſame before the court into which the return delivered.

of convicts on the river, &c. the 1ſt of every term in B. R.

of other places at aſſizes or ſeſſions, on oath where return delivered.

XX. *ſect.*

XX. *ſect.* 20. Any pecuniary penalties by this act, for recovery of which no mode preſcribed, ſhall be recoverable before two or more juſtices in the county, city, town or place, in which offence committed, or county where ſuch offenders reſident, on proof of offence by oath of one or more credible witneſſes, or confeſſion of offender, and the penalty ſhall belong to informer or informers proſecuting; and in caſe of non-payment ſhall be levied by diſtreſs and ſale of goods and chattles by warrant under hands and ſeals of ſuch juſtices; the overplus after deducting penalty and expences of diſtreſs and ſale rendered to owner; for want of ſufficient diſtreſs offender ſent by ſuch juſtice to priſon of ſuch county, city, town or place for ſuch term not exceeding ſix months, as ſuch juſtices think moſt proper.

Penalties recovered before 2 juſtices.

XXI. *ſect.* 21. Towards defraying expences neceſſarily incurred by this act, grand juries of counties and counties of cities and towns, except county of city of Dublin, authorized at aſſizes and at Eaſter and Michaelmas terms in king's bench for county of Dublin, ſeverally to preſent (as in other inſtances they are by the laws now in force impowered) on their reſpective counties five pounds for each convict ſent from ſuch county, for effectually puniſhing by hard labour as aforeſaid ſuch offenders as deſcribed in this act; and for their ſupport, maintenance, clothing, and payment, and for finding proper materials, inſtruments, lighters and gabbards, and other conveniencies for them to work with, and for due and proper payment of the ſeveral overſeers; and alſo for ſuch further ſum for payment of neceſſary and reaſonable expences by ſheriffs and gaolers in conveyance of offenders to ſaid overſeers not exceeding ſixpence for each mile ſuch offender conveyed.

Preſentment 5l. each convict ſent, at aſſizes, and Eaſter and Michaelmas terms for county of Dublin in B. R.

and for expence of conveying, not above 6d. per mile.

XXII. *ſect.* 22. Grand jury at general quarter-ſeſſions for county of city of Dublin, authorized to preſent (as in other inſtances by the laws now in force impowered) ſuch reaſonable ſums as together with ſaid five pounds for every convict they ſhall think expedient and neceſſary, for effectually puniſhing by hard labour ſuch convicts as deſcribed in this act, and for their ſupport, maintenance, clothing, and payment, and for finding proper materials, inſtruments, lighters, gabbards, and other conveniencies for them to work with, and the due and proper payment of the ſeveral overſeers, and in general for carrying the purpoſes and intentions of this act into execution.

And for county of city of Dublin at quarter ſeſſions ſums expedient.

XXIII. *ſect.* 23. Grand juries of counties and counties of cities and towns, authorized at aſſizes and general gaol delivery, and at general quarter-ſeſſions for county of city of Dublin, and at Eaſter and Michaelmas term, in King's bench for county of Dublin, ſeverally to preſent (as in other inſtances by laws in force impowered) on their reſpective counties ſuch reaſonable ſums as they think expedient and neceſſary for providing, maintaining, and regulating houſes of correction, already or hereafter eſtabliſhed in reſpective counties, and to which ſuch convicts hereafter committed to hard labour.

Reaſonable preſentments for houſes of correction.

XXIV. *ſect.* 24. If any ſuit or action proſecuted againſt any for any thing done in purſuance of this act, ſuch perſons may plead general iſſue, and give this act or ſpecial matter in evidence at any trial thereupon, and that the ſame was done by authority of this act; and if a verdict for defendant, or plaintiff become non-ſuit or diſcontinue after iſſue joined, or if on demurrer or otherwiſe judgment againſt plaintiff, defendant ſhall recover treble coſts, and have like remedy for the ſame as any defendants have by law in other caſes; and though a verdict given to any plaintiff in ſuch action or ſuit, ſuch plaintiff ſhall not have coſts againſt defendant, unleſs the judge before whom trial ſhall be, certify his approbation of the verdict.

On proſecution for acting, general iſſue, and ſpecial matter in evidence,

treble coſts to defendants, tho' verdict for plaintiff no coſts, unleſs approbation of judge certified.

Actions where fact committed, and within 6 months.

XXV. *ſect.* 25. All actions, ſuits and proſecutions for any thing done in purſuance of this act ſhall be laid and tried in the county or place where the fact committed, and commenced within ſix months after, and not otherwiſe.

Continuance two years, &c.

XXVI. *ſect.* 26. This act ſhall continue in force two years and to the end of the then ſeſſion; or if ſaid term of two years ſhall not determine during any ſeſſion, then to the end of the then next enſuing ſeſſion.

17 & 18 G. 3. c. 9. continued to 24 June 1787, and end of next ſeſſion.

XXVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 2. An act ſeventeenth and eighteenth years of his Majeſty, *to authoriſe for a limited time puniſhment by hard labour of offenders liable to be tranſported*, which was continued by nineteenth and twentieth of his Majeſty, further continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

Cordage.

Mixing old and new hemp, &c.

I. *Stat.* 3 *Geo.* 3. *cap.* 34. *ſect.* 14. No perſon in making twine, ropes or cordage, ſhall mix any old hemp, or hempen yarn within new hemp, or ſhall mix or work up together any flaxen tow and hemp, or ſhall ſell or expoſe to ſale, any ropes, twine or cordage, made up of old and new hemp, or of hemp and flaxen tow, upon pain of forfeiting all ſuch ropes, twine and cordage, and alſo ten ſhillings for every parcel of the ſame.

Forfeiture of cordage, &c.

Cork, Applotments.

Twenty ſix perſons preſented.

I. *Stat.* 1 *Geo.* 3. *cap.* 18. *ſect.* 1. The grand jury of each aſſizes to be held for the city, and county of the city of Cork, ſhall preſent twenty ſix perſons out of the inhabitants of the ſaid city and county, by the name of applotters, for aſſeſſing and applotting all publick money, preſented to be raiſed in the ſaid city, and county of the ſaid city, at the ſeveral aſſizes.

Oath to be taken

(2) And then the ſaid applotters ſhall ſeverally make oath on the holy evangeliſts, equally and impartially, according to the beſt of their ſkill and knowledge, to applot and aſſeſs all publick money ſo appointed to be raiſed; and the mayor of the ſaid city for the time being, may be required to adminiſter the ſaid oath, for which no fees ſhall be taken, and to ſummon the ſaid applotters to appear before him to take the ſaid oath.

Return of names.

II. *ſect.* 2. The ſeveral high and petty conſtables of the ſaid city, and county of the ſaid city of Cork, ſhall, within one calendar month, to be computed from the firſt day of each aſſizes, deliver unto the mayor of the ſaid city upon oath, a true return in writing, of the names and places of abode of the ſeveral inhabitants or houſe-keepers within their reſpective limits, which oath the ſaid mayor is hereby empowered to adminiſter without fee.

Delivery of the returns.

(2) And the mayor of the ſaid city ſhall deliver in the ſaid returns of the ſaid conſtables, to any one or more of the ſaid applotters, at the time of their taking before him the applotters oath before mentioned.

Thirteen diviſions.

III. *ſect.* 3. The ſaid applotters, or any ſeven of them, ſhall, within three months from the firſt day of every aſſize in which ſuch money ſhall be appointed to be raiſed from time to time, aſſemble, and applot and aſſeſs ſuch publick money on the ſeveral inhabitants and lands in the ſaid city, and county of the ſaid city, by thirteen diſtinct applotments for the ſeveral diviſions following, into which

which the ſaid city of Cork hath, for time immemorial, been divided, and for which diviſions, high and petty conſtables, for time immemorial, have been diſtinctly appointed (that is to ſay)

(2) One applotment for the north liberties of the ſaid city, a ſecond for the ſouth liberties of ſaid city, a third for the north ſuburbs of ſaid city, a fourth for the ſouth ſuburbs of the ſaid city, a fifth for the north eaſt quarter of ſaid city, a ſixth for the north weſt quarter of ſaid city, a ſeventh for the ſouth eaſt quarter of ſaid city, an eighth for the ſouth weſt quarter of ſaid city, a ninth for the north eaſt quarter of the pariſh of ſaint *Mary Shandon* in ſaid city, a tenth for the north weſt quarter of the pariſh of ſaint *Mary Shandon* in ſaid city, an eleventh for *Mallow-lane*, and *Fair-lane* in ſaid city, a twelfth for the pariſh of ſaint *Paul* in ſaid city, and a thirteenth for the pariſh of ſaint *Finbary* in ſaid city. Names of the diviſions.

(3) And the ſaid applotters, or any ſeven of them, ſhall make regular and fair entries of all ſuch aſſeſſments or applotments in a book to be kept by them for that purpoſe, and to be provided for them by the treaſurer of the ſaid city, and each diſtinct applotment or aſſeſſment to be ſubſcribed with the names of ſuch applotters ſo aſſembled. Entries of aſſeſſments.

(4) And ſaid applotters ſhall aſcertain and applot the ſums to be raiſed upon ſuch parts of the county of the ſaid city, as have been uſually charged according to the plow land, and upon ſuch parts as have been uſually charged, according to the acre; and as to ſuch parts of the ſaid city and county thereof, as have been heretofore uſually charged according to the ſubſtance of the inhabitants, they ſhall aſcertain and applot the ſum to be paid by each inhabitant. Manner of applotting.

(5) And the perſons making ſuch aſſeſſments or applotments reſpectively, ſhall, within ten days after ſuch aſſeſſments or applotments being made, and ſigned by them as aforeſaid, deliver, or cauſe to be delivered to the ſaid treaſurer the ſaid book, containing the ſaid aſſeſſments or applotments, and the aſſeſſments or applotments contained there, ſhall be final and concluſive to all parties. Final and concluſive.

IV. *ſect.* 4. In caſe any of the ſaid applotters ſhall neglect or refuſe to appear before the ſaid mayor, to take the ſaid applotters oath, by the ſpace of four days next after his being ſerved with the mayor's ſummons for that purpoſe, or abſent himſelf from any ſuch aſſembly without being able to ſhew reaſonable cauſe for the ſame, ſo as that a ſufficient number ſhall not meet to aſſeſs ſuch publick money, every perſon ſo neglecting or refuſing to appear before the ſaid mayor, and take ſaid oath, or abſenting himſelf, ſhall, for every ſuch offence, forfeit ten pounds, to be recovered by civil bill before the next going judges of aſſize for the ſaid city, and county of the ſaid city of Cork, by the treaſurer of the ſaid city; and the ſaid treaſurer may be required to ſue for the ſame, and the money ſo recovered, ſhall be accounted for by the ſaid treaſurer, at the next enſuing aſſizes, as part of the publick money. Neglect or refuſal. Penalty.

V. *ſect.* 5. The ſeveral conſtables of the ſaid ſeveral diviſions of the ſaid city, and county of the ſaid city, ſhall, within their reſpective limits, collect, by warrant under the hand and ſeal of the ſaid treaſurer, which warrant the ſaid treaſurer is hereby empowered to grant, the ſeveral ſums ſo preſented and applotted, and ſhall pay in the ſaid ſeveral ſums to the ſaid treaſurer, before the aſſizes next enſuing the ſaid aſſizes at which the ſame ſhall be preſented. Collection by warrants.

Treaſurer's account.

(2) And the ſaid treaſurer ſhall at every aſſizes make up his accounts upon oath, of all his receipts and payments of the publick money ſo received by him, and ſhall return, and lay the ſaid accounts, fairly written, with the affidavit of the ſaid treaſurer at the foot thereof, taken before the judge of aſſize, without fee, verifying the truth of ſuch accounts, on the firſt day of every aſſizes, before the grand jury of the ſaid city, to be viewed, allowed or diſapproved of by the ſaid grand jury; and the ſaid grand jury ſhall cauſe the ſame to be entered in the book of the county of the ſaid city, with ſuch obſervations as they ſhall think fit.

Penalty.

(3) And in default of ſuch return, it ſhall be lawful for the reſpective judges of aſſize to fine ſuch treaſurer in any ſum, not exceeding the ſum ſo preſented and applotted, and to commit ſuch treaſurer in execution for the ſame.

Conſtables neglecting.

VI. *ſect.* 6. If any of the ſaid conſtables ſhall neglect or refuſe to make the aforeſaid returns to the mayor of the ſaid city, or to collect the ſums ſo preſented and applotted, or to pay in the ſame to the treaſurer of the ſaid city, within the time herein before appointed for that purpoſe, it ſhall be lawful for the reſpective judges of aſſize, to fine the ſaid conſtables ſo neglecting or refuſing to make the ſaid return, in any ſum not exceeding ten pounds, and to commit ſuch offenders in execution for the ſame.

Committal in execution.

(2) And for omitting or refuſing to collect the ſums ſo preſented and applotted, or to pay in the ſame to the treaſurer, in ſuch ſums as to the ſaid judges ſhall ſeem proper, not exceeding the ſums that ſuch conſtables ſhall by the warrants of the ſaid treaſurer be appointed reſpectively to receive, and to commit the ſaid ſeveral offenders in execution for the ſame.

Refuſal of payment.

VII. *ſect.* 7. In caſe the occupiers of the ſaid ſeveral houſes and lands in the ſaid city, and county of the ſaid city, ſhall refuſe to pay the ſums ſo applotted and aſſeſſed, it ſhall be lawful for the ſaid ſeveral conſtables within their reſpective limits, by warrant under the hand and ſeal of the ſaid treaſurer (oath being firſt made by the conſtables of their having made a demand of the ſums ſo applotted or aſſeſſed, and of the ſame being refuſed to be paid for the ſpace of five days after demand ſo made, which oath the ſaid treaſurer is hereby impowered to adminiſter without fee) to diſtrain the goods and chattles of the perſons ſo refuſing, and to ſell the ſame by publick cant on the fifth day after the taking the ſaid diſtreſs, for the payment and diſcharge of the ſaid ſums ſo aſſeſſed, unleſs paid within the ſaid time, rendering the overplus (if any be) to the owners.

Diſtreſs of goods.

General iſſue.

VIII. *ſect.* 9. If any ſuit ſhall be commenced againſt any perſons for any act done in purſuance of this act, the defendant may plead the general iſſue, and give the ſpecial matter in evidence; and if a verdict be given for the defendant, or the plaintiff become nonſuited or diſcontinue his action, the defendant ſhall have double coſts.

IX. *ſect.* 10. So much of this act as is herein before contained ſhall be in force for two years, from the firſt day of *June* 1762, and from thence to the end of the next ſeſſion of parliament.

The act 1 Geo. 3.

X. Stat. 3 Geo. 3. cap. 17. ſect. 1. *Whereas an act paſſed in the firſt year of his preſent Majeſty, for the more eaſy and equal aſſeſſing of money preſented by the grand jury of each aſſizes to be held for the city, and county of the city of Cork, &c. hath been found by experience to be of great advantage to the city, and county of the city of Cork; and whereas the ſeveral clauſes therein relative*

to

to the aſſeſſing and applotting, and raiſing publick money, are limited and made to continue for two years, from the firſt day of June, one thouſand ſeven hundred and ſixty two, and from thence to the end of the next ſeſſion of parliament, the ſaid act ſhall be perpetual, with the ſeveral amendments and explanations mentioned *(in this act)*. made perpetual.

XI. Stat. 5 Geo. 3. cap. 24. ſect. 35. *Whereas by an act made in the firſt year of his preſent Majeſty's reign* for the more eaſy and equal aſſeſſing and applotting all money preſented by the grand jury of each aſſizes to be held for the city, and county of the city of Cork, *it was enacted, that the grand jury of each aſſizes to be held for the ſaid city, and county of the ſaid city of Cork, ſhould preſent twenty ſix perſons as applotters for aſſeſſing and applotting all publick money preſented to be raiſed in the ſaid city, and county of the ſaid city; and whereas no power was therein given to the ſaid grand juries to preſent any money for defraying the expences of the ſaid applotters in the execution of their ſaid offices*; it is enacted, that it ſhall be be lawful for the grand jury of the county of the ſaid city, at the next ſummer aſſizes to be held after the end of the preſent ſeſſion of parliament, and the ſaid grand jury is hereby required to preſent all ſuch ſums of money as ſhall have been expended from the time of enacting the ſaid laſt mentioned act, to the time of holding the ſaid ſummer aſſizes, by the ſaid applotters, or by the treaſurer of the county of the ſaid city, for pens, ink, books or paper uſed by the ſaid applotters in the execution of their offices as applotters, together with the expences of ſummoning the ſaid applotters from time to time, to take the oaths required to be taken by the ſaid applotters, and to meet and to make applotments. Recital of the act, 1 Geo. 3. grand jury of the city of Cork. expences of applotters.

XII. *ſect.* 36. And the reſpective grand juries at every aſſizes to be held for the county of the ſaid city of Cork, after the ſaid ſummer aſſizes, are hereby required to preſent all ſuch ſums of money as ſhall have been expended by the ſaid applotters for the purpoſes aforeſaid, between the aſſizes immediately preceding the aſſizes at which ſuch preſentment ſhall be made, and ſuch aſſizes at which ſuch preſentment ſhall be made, and the ſeveral ſums ſo preſented for the purpoſes aforeſaid, ſhall be levied and raiſed in the ſame manner as is preſcribed by the ſaid laſt mentioned act. Preſentments for expences.

XIII. *ſect.* 37. Provided that no money ſhall be preſented for any of the aforeſaid purpoſes, without an affidavit being previouſly made, that the ſums to replace which ſuch money is to be preſented, hath been honeſtly and fairly expended for the purpoſes aforeſaid. Affidavit to be made.

XIV. *ſect.* 59. The act (1 Geo. 3. cap. 18.) *for the more eaſy and equal applotting all money preſented by the grand jury of each aſſizes, for the city and county of the city of* Cork, *&c.* except ſuch parts thereof as are hereby amended or altered, ſhall remain in force, as if this act never had been made. Continuance of a former act.

XV. *ſect.* 60. If any perſons ſhall be ſued or moleſted for any thing done by virtue or in purſuance of this act, ſuch perſons may plead the general iſſue, and give this act (which ſhall be deemed a publick act) and the ſpecial matter in evidence for their defence. General iſſue.

(2) And if a verdict ſhall paſs for the defendants, or the plaintiffs diſcontinue their action, or be nonſuited, or judgment be given againſt the plaintiffs on demurrer or otherwiſe, the defendants ſhall have double coſts. Double coſts.

XVI. *Stat.*

3 G. 3. c. 5. § 7. recited.

XVI. *Stat.* 17 & 18 *Geo.* 3. *cap.* 22. *ſect.* 14. Whereas by an act third of his preſent Majeſty, *for diſcharging without fees perſons acquitted, and for making a compenſation*, grand juries of the county of Cork are impowered to preſent, not exceeding thirty pounds in lieu of fees of perſons indicted and acquitted; and ſaid county is very extenſive, and the trouble and expence of executing offices of clerk of crown and peace therein are much encreaſed:

G. jury at every aſſizes may preſent not above 50l. to clerks of crown and peace, in lieu of fees of perſons acquitted.

it ſhall be lawful for the grand-jury at every aſſizes for ſaid county to raiſe and preſent in the uſual manner on ſaid county at large any ſums not exceeding in the whole fifty pounds, to be paid to the clerks of the crown and peace for ſaid county in lieu and recompence of the fees payable unto them for ſuch perſons as ſhall be tried, acquitted, and diſcharged without fees at the aſſizes and quarter-ſeſſions for ſaid county, purſuant to ſaid recited act, any law or ſtatute to the contrary notwithſtanding.

Recital 11 & 12 G. 3. c. 18. valuation thereby annulled, 3 or more inhabitants of each pariſh appointed valuators,

XVII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 38. *ſect.* 1. Whereas an act paſſed eleventh and twelfth of his preſent Majeſty, *for regulation of the city of Cork*, and doubts have ariſen, whether the valuation under ſaid act was legally made: the valuation and appointment of the valuators annulled and made void; and it ſhall be lawful for the mayor, ſheriffs, and common council of Cork, duly aſſembled, or the majority, from time to time, by orders under their hands, or hands of the majority, to appoint three or more inhabitants of each of the pariſhes of ſaid city, to wit, of Holy Trinity, otherwiſe called Chriſt-Church, ſaint Peter, ſaint Paul, ſaint Mary Shandon, ſaint Ann, ſaint Finn Barry, and ſaint Nicholas, to be valuators for making valuation in the room and ſtead of the valuation before mentioned; which valuation, when ſo made, ſhall ſtand in place of the valuation in ſaid act, and be, enure to and for all and ſingular the ſeveral purpoſes provided for, declared, or intended by this, and the before mentioned act; and any three or more of ſaid

3 to value ſeparately yearly value of houſes,

valuators, ſo appointed, ſhall have power, and are required to value and aſcertain diſtinctly and ſeparately the yearly value of each dwelling-houſe, out-houſe, office, cellar, ſtable, linney, and yard in each of reſpective pariſhes for which appointed valuators; and ſuch three or more valuators ſhall at quarter-ſeſſions for the county of ſaid city take the following oath, or affirmation, if a quaker, inſtead of any former, *viz.*

Oath.

I A. B. *do ſwear*, or if a quaker, *do affirm, that I will to the beſt of my knowledge, ſkill, and judgment, execute the office of a valuator in the pariſh of in and for the pariſh of in the county of the city of Cork, without favour or affection, malice or ill-will to any perſon or perſons whatſoever.*

with like powers as 7 by ſaid act.

Which the ſaid juſtices at ſaid ſeſſions are impowered to adminiſter; and ſuch three or more valuators ſhall have all ſuch powers and authorities in and for their ſeveral pariſhes, and act and proceed in ſame manner to all intents, in and for their reſpective pariſhes, as any ſeven or more were impowered and required to act, do, and proceed by ſaid act.

Not to include premiſſes exempted by 13 & 14 G. 3. c. 19.

XVIII. *ſect.* 2. Provided ſaid valuators ſhall not include in valuation any houſes, premiſſes, or buildings exempted from being charged by the act thirteenth and fourteenth of his preſent Majeſty, *for the better and more certain valuation of houſes in counties of cities and towns.*

Valuations returned and depoſited, 11 & 12 G. 3. c. 18.

XIX. *ſect.* 3. The ſeveral valuations by three or more for their reſpective pariſhes ſhall be returned in the ſame manner, and to ſuch perſons, and depoſited in ſuch office, and for ſuch purpoſes, as by ſaid act eleventh and twelfth

of

of his preſent Majeſty required; and ſuch copies thereof ſhall be made, delivered, and atteſted to ſuch perſons at ſuch times, and for ſuch purpoſes as in ſaid act; and copies of ſuch valuations, atteſted by the town clerk of Cork, ſhall in all courts, and upon all occaſions, be deemed full and ſatisfactory evidence of ſuch valuations; and ſuch valuators ſhall be ſummoned to appear at quarter-ſeſſions, to take aforeſaid oath or affirmation, in manner and under the penalties, and with like method of recovery, as mentioned in ſaid act, with full power to juſtices at quarter-ſeſſions to excuſe any of ſaid valuators, and for ſaid mayor, ſheriffs, and common-council to appoint others inſtead of ſuch perſons as the juſtices at quarter-ſeſſions from time to time think fit to excuſe, or the mayor or ſheriffs, and common-council think fit to ſuperſede or remove from ſaid office, or who ſhall die, or remove from ſuch pariſh, or become incapable of executing ſaid office.

Valuators ſummoned to quarter-ſeſſions to take oath.

XX. *ſect.* 4. Said valuators ſhall deduct one third from the full improved yearly value of the dwelling-houſes, out-houſes, cellars, ſtables, and linneys, by them to be valued, as a reaſonable allowance for decay and repairs; and ſhall return in their valuations only the other two-thirds of the full improved yearly value as the valuation, which returns and valuations ſhall be final and concluſive.

One third of full yearly value deducted for decay and repairs.

XXI. *ſect.* 5. The bounds and limits after mentioned ſhall be taken and deemed the bounds and limits between the ſuburbs and liberties of the county of ſaid city of Cork; on the north ſide of ſaid city the red forge between the lanes leading to Dublin and Mallow, and in Blarney-lane, the eaſt-end, and as far as the end of Sundays-well-lane, at the weſt end of William Taylor's houſe, on the road to Sundays-well, doctor Blair's dwelling-houſe, including as part of ſaid ſuburbs Sundays-well-lane; and on the eaſt-ſide of ſaid city, the end of William Harrington's cellars, commonly called the Red Cellars, at a place commonly called Leitrim, and the ſtream of water at the foot of Fair-hill, thereby including Fair-lane and Peacock's lane, as part of ſaid ſuburbs; and all the lanes between Blarney-lane and Peacock's-lane, to the weſt-ſide of the cattle-market ſhall be deemed part of the north ſuburbs; and on the ſouth ſide of ſaid city, the weſt-end of the gardens of Stephen Duntroche, eſquire, on the Bandon-Road, and as far as the end of Loughtane, now the Lough on the road to Kinſale and the eaſt-end of the road leading to Gillaby, and the ſouth-end of Gallows-green, and the quarry called Coltſman's-quarry, on the top of the hill on the road leading to Paſſage and the houſe of induſtry, and the ſouth infirmary, on the road leading to Black-rock, and the ſouth-weſt end of Fuſar's walk; and all houſes, offices, ſtables, cellars, linneys and yards, ſituate or lying within any right line or right lines to be drawn between any of the aforeſaid limits or points of extent, ſhall be deemed or taken as part or parcel of ſaid city and ſuburbs, and not of the north or ſouth liberties.

Suburbs limited and diſtinguiſhed from North and South Liberties.

XXII. *ſect.* 6. Whereas from doubts with regard to validity of the valuations appointed under the eleventh and twelfth of his preſent Majeſty, ſeveral ſums preſented have not been raiſed or paid, although ſeveral of the publick works, for which preſented, have been executed by overſeers: the treaſurer of the county of ſaid city of Cork ſhall, in the appointment of ſuch publick money as ſhall be preſented by grand-jury at the firſt or ſome other aſſizes after paſſing this act for the county of ſaid city, applot and pay, together with ſuch publick money, all ſuch ſums preſented at former aſſizes, and for which the ſeveral works were done and performed, as have not yet been

Treaſurer ſhall applot and pay former preſentments for which works done, and for ſalaries.

been paid or raiſed, and alſo all ſuch ſums as have been preſented for ſalaries of officers, and not yet paid or raiſed.

Waſte or untenanted not charged.

XXIII. *ſect.* 7. Treaſurer of county of ſaid city in applotment by him at the end of every aſſizes for the county of ſaid city, ſhall not applot or charge with any part or proportion of the publick money preſented at ſuch aſſizes any dwelling-houſe, out-houſe, office, cellar, ſtable, linney, or yard, which ſhall then happen to be waſte or untenanted.

Conſtables in 14 days after aſſizes to return on oath to treaſurer account of waſte or untenanted,

XXIV. *ſect.* 8. Conſtables of ſaid city of Cork and ſuburbs ſhall in fourteen days from the laſt of each aſſizes return to ſaid treaſurer in writing upon oath (which oath ſaid treaſurer is impowered to adminiſter) an exact account of ſuch dwelling-houſes, out-houſes, offices, cellars, ſtables, linneys, and yards, in their reſpective pariſhes, quarters, or diſtricts, as then waſte or untenanted, under a penalty of five pounds for neglecting to make ſuch return; the ſaid penalty to be ſued for by treaſurer in a ſummary way before the mayor or any of the aldermen of the ward of the city, according to the ſummary juriſdiction eſtabliſhed by act of parliament in ſaid city; and when recovered accounted for as part of the publick money by ſaid treaſurer in aid of the publick money preſented to be raiſed by grand juries at the aſſizes for county of ſaid city.

and accounted for in aid of preſentments.

Preſentments for high conſtables, &c.

XXV. *ſect.* 9. Grand-jury at each aſſizes for county of ſaid city ſhall have power, if they ſee cauſe, to preſent any ſum not exceeding fifty pounds to be paid to the two high conſtables of ſaid city, according to ſuch ſervices as they ſhall do for preſervation of the publick peace of ſaid city; and five pounds for two turnkeys at the gaol of the county of ſaid city; and not exceeding twenty guineas for the two coroners for their trouble in executing their office, and in lieu of fees, and inſtead of the money the grand-jury by law are now impowered to preſent for the ſaid coroners; and alſo ſhall have power to preſent two guineas for the attendance of a ſurgeon at each or any inqueſt held in and for county of ſaid city; provided it appear by affidavit of one of the coroners that the attendance of ſuch ſurgeon was neceſſary.

A publick act.

XXVI. *ſect.* 26. This act deemed, adjudged, and taken to be a publick act, and judicially taken notice of by all judges, juſtices, and other perſons, without ſpecially pleading, and the ſame do paſs as a publick act.

Cork, Bread. See Bakers.

Abuſes by bakers,

I. Stat. 3 Geo. 3. cap. 17. ſect. 69. *Whereas great abuſes are daily practiſed and committed by the bakers of the ſaid city of Cork, in baking bread for ſale, for want of proper encouragement, and ſufficient allowance being made to the bakers of the ſaid city, and in regard the quarter of wheat when baked into houſe-hold bread, is found not to produce as many loaves of the weight mentioned in the table of aſſize, as will make up the middle price of corn, and the allowance intended for bakers; for remedy whereof,* the mayor of the ſaid city of Cork, is hereby directed, to give the bakers in the ſaid city and liberties thereof, an allowance of nine ſhillings on each quarter of corn for houſehold bread, by adding the ſame to the middle price of wheat, to be calculated as directed herein, and by an act of parliament paſſed in the eleventh year of the reign of his late majeſty king George the ſecond, *for buying and ſelling all ſorts of corn and meal, and other things therein mentioned, by weight,* &c.

allowance on houſe-hold bread,

by the act, 11 Geo. 2. cap. 11.

(a) And to give an allowance of eight ſhillings only, on the quarter of white and wheaten bread to be baked in the ſaid city of Cork, and the liberties thereof, by adding the ſame to the middle price of wheat, and to be ſet according to the table in the ſaid act mentioned. Allowance on white bread.

II. *ſect.* 70. The mayor and common council of the ſaid city of Cork for the time being, ſhall, as often as they judge neceſſary, during the continuance of this act, make any further reaſonable allowance to the bakers within the ſaid city and liberties of the city of Cork, as in their diſcretions they ſhall think fit, on every quarter of wheat made and baked in the ſaid city into houſhold bread, in ſuch manner as the former allowances, or to make any further allowance as the mayor of Cork, as chief magiſtrate of that city might have made before this act. Mayor may make further allowance on houſhold bread.

III. *ſect.* 73. The ſeveral clauſes of this act, for which no continuation is herein before mentioned, may continue and remain in full force from the firſt day of May one thouſand ſeven hundred and ſixty four, for thirty one years, and from thence to the end of the then next ſeſſion of parliament. To continue for thirty one years.

The act 14 *Geo.* 2. *cap.* 17. *ſo far as it related to the regulating the price and aſſize of bread, to be ſet according to the table therein mentioned, is expired; but that part of the act being revived, as to the city of Cork, is for that reaſon) inſerted.*

IV. *Stat.* 17 *Geo.* 2. *cap.* 11. *ſect.* 2. The aſſize and weight of white, wheaten, and houſhold bread, made of wheat, ſhall be ſet and aſcertained according to the table following.

A TABLE of the aſſize of Bread in Pounds, Ounces, and Drams, avoirdupoiſe weight.

Note, The Ounce is divided into eight Drams.

Price of the Quarter, with Allowance.			White Loaf.						Wheaten Loaf.						Houſhold Loaf.					
			Four Penny.			Six Penny.			Four Penny.			Six Penny.			Four Penny.			Six Penny.		
l.	*s.*	*d.*	*p.*	*o.*	*d.*	*p.*	*o.*	*d.*	*p.*	*o.*	*d.*	*p.*	*o.*	*d.*	*p.*	*o.*	*d.*	*p.*	*o.*	*d.*
2	0	0	2	5	0	3	7	5	3	7	5	5	3	3	4	10	0	6	15	2
2	1	0	2	4	1	3	6	2	3	6	2	5	1	3	4	8	2	6	12	4
2	2	0	2	3	2	3	5	0	3	5	0	4	15	3	4	6	4	6	10	0
2	3	0	2	2	4	3	3	6	3	3	6	4	13	4	4	5	0	6	7	4
2	4	0	2	1	5	3	2	4	3	2	4	4	11	6	4	3	2	6	5	1
2	5	0	2	0	7	3	1	3	3	1	3	4	10	1	4	1	6	6	2	7
2	6	0	2	0	2	3	0	3	3	0	3	4	8	4	4	0	4	6	0	6
2	7	0	1	15	4	2	15	2	2	15	2	4	7	1	3	15	0	5	14	4
2	8	0	1	14	7	2	14	3	2	14	3	4	5	4	3	13	6	5	12	6
2	9	0	1	14	2	2	13	3	2	13	3	4	4	0	3	12	4	5	10	6
2	10	0	1	13	5	2	12	4	2	12	4	4	2	6	3	11	2	5	9	0
2	11	0	1	33	0	2	11	5	2	11	5	4	1	3	3	10	0	5	7	2
2	12	0	1	12	4	2	10	6	2	10	6	4	0	1	3	9	0	5	5	4
2	13	0	1	12	0	2	10	0	2	10	0	3	14	7	3	8	0	5	4	0
2	14	0	1	11	4	2	9	1	2	9	1	3	13	6	3	7	0	5	2	3
2	15	0	1	10	7	2	8	3	2	8	3	3	12	5	3	5	6	5	0	7
2	16	0	1	10	4	2	7	6	2	7	6	3	11	4	3	5	0	4	15	4
2	17	0	1	10	0	2	7	0	2	7	0	3	10	4	3	4	0	4	14	0
2	18	0	1	9	4	2	6	3	2	6	3	3	9	4	3	3	0	4	12	6
2	19	0	1	9	1	2	5	5	2	5	5	3	8	4	3	2	2	4	11	3
3	0	0	1	8	5	2	5	0	2	5	0	3	7	4	3	1	2	4	10	0
3	1	0	1	8	2	2	4	3	2	4	3	3	6	5	3	0	4	4	8	7
3	2	0	1	7	7	2	3	7	2	3	7	3	5	6	2	15	6	4	7	6
3	3	0	1	7	4	2	3	2	2	3	2	3	4	7	2	15	0	4	6	4
3	4	0	1	7	1	2	2	9	2	2	9	3	4	1	2	14	2	4	5	4
3	5	0	1	6	6	2	2	1	2	2	1	3	3	2	2	13	4	4	4	2
3	6	0	1	6	4	2	1	6	2	1	6	3	2	4	2	12	7	4	3	4
3	7	0	1	6	1	2	1	1	2	1	1	3	1	6	2	12	0	4	2	2
3	8	0	1	5	6	2	0	5	2	0	5	3	1	0	2	11	5	4	1	3
3	9	0	1	5	4	2	0	2	2	0	2	3	0	3	2	11	0	4	0	4
3	10	0	1	5	1	1	15	6	2	15	5	5	15	2	2	10	3	3	15	4
3	11	0	1	4	7	1	15	2	2	15	0	5	14	0	2	9	6	3	14	5
3	12	0	1	4	5	1	14	7	2	14	3	5	12	6	2	9	1	3	13	6
3	13	0	1	4	2	1	14	4	2	13	6	5	11	4	2	8	5	3	12	7
3	14	0	1	4	0	1	14	0	2	13	1	5	10	2	2	8	0	3	12	1
3	15	0	1	3	6	1	13	5	2	12	4	5	9	0	2	7	4	3	11	2
3	16	0	1	3	4	1	13	2	2	11	7	5	7	6	2	7	0	3	10	4
3	17	0	1	3	2	1	12	7	2	11	2	5	6	5	2	6	4	3	9	6
3	18	0	1	3	0	1	12	4	2	10	6	5	5	4	2	6	0	3	9	0
3	19	0	1	2	6	1	12	1	2	10	2	5	4	4	2	5	4	3	8	2
4	0	0	1	2	4	1	11	6	2	9	6	5	3	3	2	5	0	3	7	5

Explanation.

IN the firſt column is the price of the quarter of wheat, which is two barrels, the allowance of the magiſtrate to the baker, which is ſix ſhillings the quarter for baking, being included, and in the other columns is the weight of the ſeveral loaves, ſo that for example, if the Price of wheat is two pounds the quarter, and the magiſtrate's allowance ſix ſhillings to the baker for baking, then even with two pounds ſix ſhillings in the firſt column will be found the weight of the ſeveral loaves.

Note, The white loaves are one half, and the wheaten three quarters of the houſhold loaves.

It

It is thought ſufficient to give the table of the aſſize of bread, for every variation of a ſhilling in the price of wheat; as the aſſize upon a variation of ſix pence is eaſily found by taking half the difference between any two adjoining numbers in the table, and either adding to the latter or ſubtracting it from the firſt of ſuch numbers. And as the price of wheat is generally between forty ſhillings and four pounds a quarter, it is thought ſufficient to give ſo much of the table as correſponds to thoſe prices; but if the value of wheat ſhould exceed thoſe limits, it is eaſy to extend the table.

As the bakers are by the act, 3 Geo. 3. cap. 17. to have an allowance of nine ſhillings on each quarter of corn for houſhold bread, and an allowance of eight ſhillings only on the quarter for white and wheaten bread, by adding the ſame to the middle price of wheat, and to be ſet according to the above table, by which regulation the weights of the white, wheaten and houſhold breads do not correſpond to the table, at any given middle price of wheat; but if the middle price of wheat, with the baker's allowance on houſhold bread be taken, to find the weight of that bread, the weight of the white or wheaten bread is to be found one line higher in the table.

Buying corn, &c.

V. Stat. 5 Geo. 3. cap. 24. ſect. 52. *And whereas ſeveral frauds are committed by the bakers and meal makers of the ſaid city of Cork; for remedy whereof*, it is enacted, that no baker, or ſeller of bread, or meal maker, reſiding in the ſaid city of Cork, or ſuburbs thereof, ſhall by himſelf, or herſelf, or others for his or her uſe, buy any corn from any perſon, or at any place, but in the publick market where corn is uſually ſold or expoſed to ſale within the ſaid city of Cork, except where the ſame hath been imported, and then only from the merchant, factor or owner importing the ſame.

Penalty five pounds.

VI. *ſect.* 53. And if any bakers, ſeller of bread, or meal maker, ſhall be convicted of buying corn in any other place or manner than as aforeſaid, by the confeſſion of the party, or by the oath of one credible witneſs, before the mayor of the ſaid city, ſuch perſon, for every ſuch offence ſhall forfeit five pounds, to be recovered in a ſummary manner before the mayor of the ſaid city, and to be levied by diſtreſs and ſale of the offender's goods, by warrant under the hand and ſeal of the mayor of the ſaid city, one half of the ſaid ſum of five pounds to go to the informer, and the other half thereof to the governors of the work-houſe of the ſaid city of Cork for the uſe of the ſaid work-houſe.

Houſhold and wheaten bread,

VII. *ſect.* 54. Every baker, or perſon making or expoſing bread to ſale within the ſaid city of Cork and ſuburbs thereof, ſhall at all times make the ſame quantity of houſhold as of wheaten bread, unleſs the mayor of the ſaid city ſhall think it neceſſary that greater quantities of houſhold or other ſort of bread ſhould be made; and the mayor of the ſaid city ſhall publiſh the proportions to be ſo baked in the weekly aſſize of bread, or otherwiſe, under his hand, which orders ſo publiſhed, the ſaid bakers or ſellers of bread are required to perform.

proportions to be publiſhed.

Bakers omitting,

VIII. *ſect.* 55. And if any baker, or perſon making or expoſing bread to ſale, ſhall omit to bake an equal number of houſhold as wheaten loaves, or ſhall not obſerve ſuch orders that ſhall be publiſhed as aforeſaid, for baking houſhold or other ſorts of bread, every perſon ſo offending, and being thereof convicted by the confeſſion of the party, or by the oath of one credible witneſs before the mayor of the ſaid city, ſhall for every ſuch offence

forfeit 40s. forfeit ſorty ſhillings, to be recovered in the ſummary manner, and to be applied as is before mentioned.

Bakers not to be meal men, forfeit 5l. IX. *ſect.* 56. No perſon exerciſing the trade of a baker, ſhall at the ſame time follow the occupation of a meal maker, or ſhall ſell meal in the ſaid city, or the ſuburbs thereof, during the time of his or her exerciſing the trade of a baker, on pain of forfeiting five pounds for every ſuch offence, to be recovered in the ſummary manner, and to be levied and applied as is before mentioned.

Appeal to the quarter ſeſſions. X. *ſect.* 57. Provided, that if any baker, ſeller of bread or meal maker ſo convicted in any of the aforeſaid penalties, ſhall think him, or herſelf aggrieved, he or ſhe may appeal in writing to the next quarter ſeſſions of the peace for the county of the ſaid city of Cork, where the ſame ſhall be heard in a ſummary manner, and finally determined.

Coſts awarded. XI. *ſect.* 58. And, if the perſon ſo appealing ſhall not make good ſuch appeal, or proſecute it with effect, the ſaid court of ſeſſions ſhall award ſuch coſts as they ſhall think reaſonable to the proſecutor or informer, and commit ſuch offender to the common gaol, until he or ſhe ſhall make payment of the ſaid coſts, and alſo of the penalty adjudged on the conviction to the informer.

Cork, Bridges.

Bridge over the Lee. I. *Stat.* 1 *Geo.* 3. *cap.* 19. *ſect.* 1. It ſhall be lawful for the mayor, ſheriffs, and commonalty of the city of Cork, to build a ſtone bridge, not exceeding in breadth twenty-ſix feet, over a branch of the river Lee, running through the ſaid city, from the quay oppoſite to the ſtreet called Prince's Street, on Dunſcomb's Marſh, in ſaid city, to the northern, or oppoſite part of the iſland, called Lavit's-Iſland.

Red Abby Marſh. (2) And alſo to build one other bridge from the ſouthern part of the ſaid iſland, over the ſouthern channel of the river Lee, to the Red Abby Marſh, in the ſouthern liberties of the ſaid city, not exceeding the breadth of twenty-ſix feet, and the ſaid laſt mentioned bridge ſhall contain two ſtone arches, and between the ſaid arches there ſhall be a lifting, or portcullis bridge, of at leaſt twenty four feet in the clear in length, in order to permit ſhips and veſſels to paſs and repaſs, and the ſaid two bridges, and all ways and paſſages leading thereto, ſhall always remain publick avenues to and from ſaid city.

Recital of the act 1 G. 3. II. Stat. 5 Geo. 3. cap. 24. ſect. 45. *And whereas by the act, made in the firſt year of the reign of his preſent Majeſty, it was enacted, that it ſhould be lawful for the mayor, ſheriffs, and commonalty of the city of Cork, to build a ſtone bridge over a branch of the river Lee, running through the ſaid city from the quay oppoſite to the ſtreet called Prince's-ſtreet, or Dunſcomb's-marſh in the ſaid city, to the northern or oppoſite part of the iſland called Lavit's-Iſland, and to build one other bridge of two ſtone arches, and a lifting or portcullis bridge over the ſouthern channel of the ſaid river to Red Abby Marſh: and whereas it hath been found, that it would be more uſeful to the inhabitants of the ſaid city, and to the trade thereof, that a draw bridge or portcullis bridge ſhould be made in the place, where by the ſaid act the ſtone bridge was appointed to be built, namely from the quay oppoſite the ſtreet called Prince's, to the oppoſite part of Lavit's-Iſland*; it is enacted, that it ſhall be lawful for the mayor, ſheriffs and commonalty of the ſaid

ſaid city of Cork, to take down the ſtone bridge which hath been erected over the ſaid branch of the river Lee, which runs between the ſaid iſland and Dunſcomb's-marſh, and in the place and ſtead thereof, to build and erect a turn or draw bridge, or portcullis bridge, and to build, erect, or finiſh a ſtone bridge of three arches over the ſouthern channel of the ſaid river, from the ſaid iſland to the ſaid Red Abby Marſh, in the place where the bridge of two ſtone arches and a portcullis bridge was by the ſaid act appointed to be built. Bridge over the river Lee. New bridge of three arches.

III. *ſect.* 59. The act (1 *Geo.* 3. *cap.* 19.) *for building a ſtone bridge from the quay oppoſite Prince's-ſtreet, in the city of Cork, to Levit's-Iſland, &c.* except ſuch parts thereof as are hereby altered, ſhall remain in force as if this act had never been made.

Cork, Coaches, Chairs, &c.

I. *Stat.* 1 *Geo.* 3. *cap.* 18. *ſect.* 11. The governors of the work-houſe of the city of Cork, fifteen at leaſt being preſent, ſhall under their common ſeal, licenſe for the term of twenty one years, from the ſaid firſt day of June 1762, all ſuch perſons as ſhall keep, drive, or carry any hackney-coaches, poſt-chaiſes, chairs, or ſedans, plying for hire within the ſaid city of Cork, or liberties thereto adjoining, and from time to time limit the number of ſuch coaches, poſt-chaiſes, chairs, and ſedans, as the ſaid governors ſhall think proper. Licences for 21 years.

(2) And the governors of the ſaid work-houſe ſhall, for every licence to be granted for each coach and poſt-chaiſe, be paid the ſum of twenty ſhillings by way of fine, before ſuch licenſe ſhall be delivered; and upon every licence for each coach or poſt-chaiſe there ſhall be reſerved to the governors of the ſaid work-houſe, and their ſucceſſors, the yearly rent of twenty ſhillings, and for each chair or ſedan, ten ſhillings, to be paid quarterly, on every firſt of September, firſt day of December, firſt day of March, and firſt day of May, in every year, with ſuch covenants therein to be inſerted, for the more effectual payment thereof, as the ſaid governors, or any fifteen of them, ſhall think fit. Fines for licences.

(3) And no perſon ſhall keep, drive, carry, or let to hire, any coach, poſt-chaiſe, chair, or ſedan, to ply within the ſaid city or liberties, without ſuch licenſe firſt obtained, under the penalty of ten pounds for every coach or poſt-chaiſe, and five pounds for every chair or ſedan, which ſhall ſo ply contrary to this act. 10l. penalty.

(4) And every coach, poſt-chaiſe, chair, or ſedan, ſo to be licenſed, ſhall have a mark of diſtinction, by a figure on a large braſs plate, with the number in large figures, and the ſaid mark ſhall be placed on each ſide of every ſuch coach, poſt-chaiſe, chair, or ſedan, in ſuch manner as the ſaid governors ſhall think proper. Figures on each ſide.

(5) And every coachman, driver, chairman, or carriers of any coach, poſt-chaiſe, chair, or ſedan, plying for hire as aforeſaid, who ſhall drive or carry, without ſuch mark of diſtinction or figure, any coach, poſt-chaiſe, chair, or ſedan, or if any perſon ſhall blot out, deface, or change the mark or figure appointed for ſuch coach, poſt-chaiſe, chair, or ſedan, every perſon ſo offending, for every ſuch offence ſhall forfeit thirty ſhillings. Penalty of 30s.

(6) And the ſaid ſums, ſo to be paid for licences, and the yearly rents to be reſerved therein, and alſo the aforeſaid ſeveral penalties, ſhall go, and be paid Uſe of the work-houſe.

paid to the treaſurer of the ſaid work-houſe, for the uſe of the ſaid work-houſe.

Recovery of penalties.

(7) And the ſaid ſeveral penalties, and alſo the ſeveral penalties and forfeitures herein after mentioned, may be recovered before the governors of the ſaid work-houſe, or before five or more of them, in a ſummary way, on proof being made before them on oath, after one ſummons, to the party offending, and ſhall be levied by diſtreſs and ſale of the offenders goods and chattles, by warrant under the hand and ſeal of ſuch governors, or any five or more of them, unleſs ſuch penalty be paid within ten days after ſuch diſtreſs be taken, and the overplus (if any be) all charges being deducted, ſhall be paid to the owner.

Want of diſtreſs.

(8) And in caſe no ſufficient diſtreſs can be had to anſwer the ſaid penalties reſpectively, the perſons ſo offending, ſhall, by warrant under the hand and ſeal of the ſaid governors, or any five or more of them, be ſent to the houſe of correction, there to be kept to hard labour, for any time not exceeding one month.

Deviſeable or transferable.

II. *ſect.* 12. All licenſes ſo to be granted for coaches, poſt-chaiſes, chairs or ſedans, ſhall be granted for the term of twenty one years from the ſaid firſt day of June, 1762, and ſhall be deviſeable or transferable by the parties to whom the ſame ſhall be granted, their executors, adminiſtrators, or aſſigns, under the rents and covenants therein contained.

Conſent of the governors.

III. *ſect.* 13. No perſon who ſhall be poſſeſſed of a licence for keeping a chair or ſedan for hire, ſhall transfer or aſſign the ſame, without the conſent of the ſaid governors, or five or more of them, firſt had in writing under their hands and ſeals.

Forfeiture of licence.

(2) And if any perſons to be poſſeſſed of any ſuch licences for keeping a chair or ſedan for hire, ſhall transfer the ſame, without the conſent of the ſaid governors, or five of them ſignified as aforeſaid, every ſuch transfer ſhall be void, and every licence ſo aſſigned, ſhall be forfeited to the ſaid governors, for the uſe of the ſaid work-houſe.

Rates adjuſted.

IV. *ſect.* 14. It ſhall be lawful, for the governors of the ſaid work-houſe, fifteen at leaſt being preſent, under their common ſeal, from time to time, to ſettle and adjuſt the ſeveral rates, fares and prices, to be paid to the reſpective drivers of the ſaid hackney coaches or poſt-chaiſes, and the carriers of the ſaid chairs or ſedans, for the hire of ſuch coaches, poſt-chaiſes, chairs, or ſedans, by the day or hour, or by the ſet-down to or from any part or parts within the ſaid city, or within the liberties to the ſaid city adjoining, and to adjudge the ſeveral diſtances within the ſaid city and liberties, for which the ſaid rates, fares and prices ſhall be paid.

Orders and bye-laws

(2) And alſo to make orders and bye-laws, to bind all perſons, who ſhall have licenſes to keep hackney-coaches, poſt-chaiſes, chairs or ſedans for hire as aforeſaid, and all coach-men, poſt-chaiſe-men, chair-men, drivers and carriers thereof, and to annex ſuch reaſonable penalties and forfeitures, not exceeding forty ſhillings, for the breach of any ſuch bye-law, or order, on the ſeveral perſons offending, or by making void the licence the perſon ſo offending had, or by ſubjecting the ſeveral perſons ſo offending to corporal puniſhment, by ſending them to the houſe of correction, there to be whipped and kept to hard labour, for any time not exceeding ten days.

Approbation of the judges.

(3) And the ſaid governors, or any five or more of them, ſhall by warrant under their hands and ſeals, put the ſaid bye-laws and orders, by the

the ſaid governors, or any fifteen or more of them, ſo to be made, into due execution, according to the tenor and effect of the ſaid bye-laws and orders, ſo as ſuch rates, fares and prices, and ſuch rules, orders, and bye-laws, ſhall be firſt approved of by the then next going judges of aſſize for the county of the ſaid city, under their reſpective hands and ſeals, and after ſuch approbation, the ſaid rates, fares, and prices, and the ſaid rules, orders, and bye-laws, ſhall be printed, and publickly poſted on the Tholſel of the ſaid city of Cork, and on the ſaid work-houſe, and ſuch other places as the ſaid governors ſhall appoint, and ſhall from thenceforth be valid and effectual.

Taking hire.

V. *ſect.* 15. After the time the ſaid rates, fares and prices ſhall be ſo limited and approved of as aforeſaid, no hackney coach-man, poſt-chaiſe-man, driver, or carrier of any hackney-coach, poſt-chaiſe, chair or ſedan, in or about the ſaid city, or within the liberties thereof, ſhall take by the day, hour, or ſet down, above the rates, fares and prices, ſo to be limited as aforeſaid.

Miſbehaviour to fare.

(2) And if any coach-man, poſt-chaiſe-man, chair-man, or carriers of chairs or ſedans, ſhall exact more for his fare than according to the ſeveral rates ſo to be limited, or behave with inſolence to his fare, or leave his fare without permiſſion, the owners of ſuch coach, poſt-chaiſe, chair or ſedan, ſhall for every ſuch offence of ſuch coach-man, poſt-chaiſe-man, chairman, or carriers of chairs or ſedans, forfeit any ſum not exceeding forty ſhillings, to be levied or applied in manner as is herein before directed.

Refuſal of payment.

VI. *ſect.* 16. If any perſon ſhall refuſe to pay any coach-man, poſt chaiſe-man, driver, or carriers of any chairs or ſedans, the money juſtly due to him for carrying ſuch perſon in his coach, poſt-chaiſe, chair, or ſedan, or ſhall wilfully break or deface any ſuch coach, poſt-chaiſe, chair, or ſedan, it ſhall be lawful for the ſaid governors, or any two or more of them, upon complaint made, and after one ſummons directed by them to the parties complained againſt, finally to hear and determine the matter complained of.

Diſtreſs of goods

(2) And upon proof made thereof upon oath, by one credible witneſs, or by confeſſion of the party, to award a reaſonable ſatisfaction to the party aggrieved, for his damage and coſts, to be levied, upon refuſal to make ſuch ſatisfaction, by warrant under the hand and ſeal of the ſaid governors, or any two of them, by diſtreſs and ſeal of the offenders goods, rendering the overplus (if any be) to the owner.

Doubt on the former act,

VII. *Stat.* 3 *Geo.* 3. *cap.* 17. *ſect.* 2. *Whereas it may become a doubt whether hackney-chaiſes, other than poſt-chaiſes, and chairs drawn by horſes, are comprehended within the act of parliament.* (1 *Geo.* 3. *cap.* 18.) all chaiſes and chairs drawn by horſes, and kept by any perſon for hire, ſhall be deemed and taken to be comprehended and contained within the ſeveral orders and regulations of the ſaid act of parliament, and all ſuch chaiſes other than poſt-chaiſes, and chairs drawn by horſes, ſhall be licenſed in ſuch manner, and pay to the governors of the work-houſe eſtabliſhed in the ſaid city, and their ſucceſſors, ſuch fines and yearly rent, as chairs by the ſaid act are ordained.

licences for poſt-chaiſes, &c.

Recital.

VIII. *ſect.* 3. *Whereas ſeveral owners and keepers of the hackney-coaches, poſt chaiſes, and horſe-chairs, who keep the ſame for hire in the ſaid city of* Cork, *have omitted and refuſed to take out licenſes purſuant to the ſaid act, and to ply for hire within the county of the city of* Cork, all perſons reſiding within the city or county of the city of *Cork*, who ſhall keep, drive, or let out for hire any hackney-coach, poſt or other chaiſe, or horſe-chair, either to places within the ſaid city, or county, or elſewhere ſhall be obliged to take out a licenſe for

perſons ſetting up coaches, &c.

obliged to take a licenſe,

for every ſuch coach, poſt or other chaiſe or chair, before the firſt day of *May*, 1764, or within three months after any ſuch owners or keepers of hackney-coaches, chaiſes, or chairs, ſet up the ſame to be let to hire in the ſaid city,

obliged to ply for hire.

or county of the ſaid city, and ſhall be obliged to ply for hire within the ſaid city, and county of the ſaid city, under ſuch regulations and penalties, and in ſuch manner as in the ſaid act is mentioned.

Returns to the mayor,

(2) And every ſuch keeper of any hackney-coach, poſt or other chaiſe, or horſe-chair, who keeps the ſame for hire, ſhall quarterly on every firſt day of *September*, *December*, *March*, and *May*, in every year, or within five days after, give and return to the mayor of the ſaid city of *Cork*, or his clerk, a true account in writing of their names and places of abode, and the number of their coaches, poſt-chaiſes, chairs, and horſes, and the places where they reſpectively keep the ſame, and the ſaid mayor, or his clerk, ſhall cauſe the ſame to be regiſtered in a book to be kept in the office of the town-clerk of the ſaid city, to which every perſon ſhall have liberty to reſort without fee or reward.

account of coaches, &c. regiſtered in a book.

Keepers or drivers of coaches, &c. refuſing to ply for hire.

IX. *ſect.* 4. If any owner, keeper, or driver of a coach, poſt or other chaiſe, or horſe-chair within the ſaid city of *Cork*, or liberties thereof, for the letting out the ſame to hire, ſhall after the firſt day of *May*, 1764, refuſe to ply for hire within the ſaid city, or county of the ſaid city, every ſuch owner, keeper, or driver, ſhall for every ſuch offence forfeit twenty ſhillings.

Neglecting to return an account, &c.

(2) And if any ſuch owner, keeper, or driver of a coach, poſt, or other chaiſe, or horſe-chair, within the ſaid city, or the liberties thereof, ſhall after the time aforeſaid neglect or omit to give the mayor of the ſaid city a true account and return in writing of his name and place of abode, and the number of his coaches, poſt-chaiſes, or other chaiſes, chairs and horſes, on the ſeveral and reſpective days aforeſaid, or to take out ſuch licences as aforeſaid, every ſuch owner or keeper, for every time he ſhall neglect or omit to make ſuch return as aforeſaid, and alſo for every month he ſhall neglect or omit to take out ſuch licence, ſhall forfeit the like ſum of twenty ſhillings.

Penalty for every month's neglect.

How to be recovered.

(3) The ſaid ſeveral penalties to be recovered and levied upon complaint, being made before the mayor of the ſaid city of Cork, in ſuch manner, and for ſuch uſes and purpoſes, and be diſtributed as the ſeveral other pecuniary penalties inflicted by the ſaid act on coach-men, poſt-chaiſe-men, and chair-men offending, are appointed to be recovered and levied.

Cork, Coals.

Buying coals,

I. Stat. 3 Geo. 3. cap. 17. ſect. 6. *Whereas ſeveral perſons in the ſaid city of Cork, make a practice of buying up very large quantities, and often entire cargoes of coals, before the ſame are brought up to the quay, or publick and uſual landing places, and by theſe means engroſs large quantities of coals, and afterwards retail the ſame at exorbitant prices: and whereas by the ſeveral frauds practiſed in the coal trade of the ſaid city, the poor of the ſaid city have been reduced to great diſtreſs: for remedy whereof*, no perſon ſhall be allowed to purchaſe coals for ſale, or keep any yard or cellar for ſelling coals, or to act as factor, purſer or agent for buying and ſelling coals in the ſaid city, without having a written licence for that purpoſe ſigned by the mayor, ſheriffs and common council of the ſaid city.

licence for dealing in coals.

(2) And

(2) And no ſuch licence ſhall be granted, unleſs the perſon deſiring ſuch licence ſhall firſt enter into a bond, with two ſufficient ſecurities, of the penalty of two hundred pounds ſterl. to the mayor of the ſaid city for the time being, conditioned, that ſuch perſons ſhall not be in any ſort concerned in engroſſing, foreſtalling or regrating, or in any combination for raiſing the price of coals in the ſaid city, or liberties thereof, and ſuch licence ſhall be for and during good behaviour, for which licence, and alſo for filling up the ſaid bond, one ſhilling, and no more ſhall be paid. Bond with ſecurities, condition of the bond, fees for the licence, &c.

II. *ſect.* 7. The ſaid factors, purſers or agents, ſhall never exceed the number of fifteen, and ſhall never buy any coals to ſell again, and no ſuch factor, purſer or agent, ſhall buy in any one year, for his own conſumption, a greater quantity than twenty tons. Number of factors.

(2) And every perſon who ſhall keep any yard or cellar for ſelling coals in ſaid city, or the liberties thereof, without firſt obtaining ſuch licence, and every factor, purſer or agent, who ſhall buy any coals to ſell again, ſhall, for every ſuch offence, forfeit one hundred pounds. Keeping coal-yards without licence.

III. *ſect.* 8. Every ſuch factor, purſer and agent, ſhall take an oath, to be adminiſtered by the mayor of the ſaid city, that he will not during the time of his being factor, purſer or agent, buy any coals to ſell again, and that he will exerciſe the ſaid office faithfully, diligently and impartially, between the ſellers and buyers of coals. Oath to be taken, tenor of the oath.

IV. *ſect.* 9. No perſon ſhall keep a coal-yard or cellar, or being concerned as factor, purſer or agent, ſhall keep any lighter, boat or gabbard for the purpoſe of carrying coals. Factors, &c. keeping boats.

(2) And no perſon ſhall keep ſuch lighter, boat or gabbard, without having a licence for that purpoſe ſigned by the mayor for the time being, and to be in force during good behaviour; for which licence, one ſhilling and no more ſhall be paid; and every perſon who ſhall offend herein, ſhall, for every ſuch offence forfeit fifty pounds. Licence for boats, fees for a licence.

V. *ſect.* 10. The maſter of every veſſel bringing coals to the ſaid city, ſhall be obliged, immediately on the arrival of every ſuch veſſel at any of the quays, or publick, or uſual landing places of the ſaid city, to hang at the maſt of his ſaid veſſel, or of the lighter, boat or gabbard, in which coals ſhall be brought up to the ſaid quays or landing places, a board, with the true name of the place from whence the ſaid coals were ſhipped and brought, written or painted thereupon in large legible characters. Maſters of ſhips, board at the maſt.

(2) And every perſon who ſhall keep a yard or cellar, for ſelling coals in the ſaid city, ſhall hang at the door of the ſaid yard or cellar, a board with the denomination of the coals then contained in the ſaid yard or cellar, painted or written thereon in large legible characters, and every perſon offending herein ſhall forfeit twenty pounds. At the doors of coal-yards.

(3) And every maſter, factor or porter, and every perſon who ſhall knowingly or willingly ſell coals by a falſe denomination, or impoſe, or be any ways aiding or inſtrumental in impoſing on any buyer of coals, touching the denomination or kind of the ſaid coals, ſhall, for every ſuch offence, forfeit thirty pounds. Falſe denomination, penalty.

VI. *ſect.* 11. *And for the preventing unlawful combinations to raiſe the price of coals in the ſaid city*, all contracts or agreements between any coal owners, maſters or owners of ſhips, coal factors, or other perſons concerned in the coal trade, for raiſing the price of coals, or for reſtraining any perſons from freely ſelling, buying unloading or diſpoſing of coals, ſave as is herein before provided, ſhall be declared illegal and void. Unlawful combinations, for raiſing the price of coals, contracts void.

Penalty one hundred pounds.

(2) And if any perſons ſhall make, enter into, act or be knowingly concerned in any ſuch contract or agreement in the ſaid city, or county of the city of Cork, every perſon ſo offending ſhall, for every ſuch offence, forfeit one hundred pounds, to be recovered by ſuch ſuit or action as herein after mentioned.

A moiety to the informer, a moiety to the work-houſe,

VII. *ſect.* 12. One moiety of the aforeſaid ſeveral penalties contained under ſo much of this act as relates to the regulating of the ſale, landing and trade of coals, ſhall go and be paid to the informer, and the other moiety thereof to the treaſurer of the work-houſe eſtabliſhed in the ſaid city of Cork, for the uſe of the ſaid work-houſe, and the ſaid penalties, or ſuch of them as are not otherwiſe ordained, ſhall be recovered by action of debt, bill, plaint or information, in any of his Majeſty's courts of record in Dublin, or by action of debt, or plaint, to be commenced and proceeded upon in the uſual manner, before the mayor and ſheriffs in the court of record of the city of Cork.

recoverable by action, &c.

or before the mayor, &c.

Frauds in meaſure, &c.

VIII. *ſect.* 13. *For preventing of frauds by meaſurers, porters and carmen of coals, in the ſaid city and liberties thereof*; the mayor and common council of the ſaid city, or any ten or more of them, the mayor for the time being to be always one, ſhall have power from time to time to make ſuch rules, orders and bye-laws for fixing the wages, and regulating the conduct of meaſurers, porters and carmen employed in the carriage or meaſurement of coals, as they ſhall think fit.

fixing wages, &c.

The act, 9 Geo. 2. (a private act)

IX. *ſect.* 61. *Whereas, by an act of parliament paſſed in this kingdom, in the ninth year of his late Majeſty, it was therein enacted, among other things, that, for all ſorts of coal and culm, which, from and after the firſt day of May* 1736, *ſhall be imported, landed or diſcharged within the ſaid city of Cork, or county of the ſaid city, there ſhall be paid during the term of thirty one years, by way of impoſition thereon, over and beſide all other impoſitions and duties payable thereon, the additional rate or duty of one ſhilling* per *tun, which ſaid impoſition or duty ſhall be anſwered or paid to the governors of the work-houſe of the ſaid city of Cork aforeſaid, or to their deputies, or officers thereunto conſtituted and appointed, by every maſter or owners, or other perſons taking charge of any ſhip or veſſel, whereupon ſuch coals or culm ſhall be laden, before they ſhall break bulk, or deliver out any coals or culm*, the ſaid recited clauſe, and the duties payable under and by virtue of the ſame, ſhall be continued, and be and remain in full force for the uſe and benefit of the ſaid work-houſe, from the ſaid firſt day of May 1767, during the further term of thirty one years from thenceforth, at and under, and ſubject to the ſeveral powers, and in manner as in the ſaid recited clauſe is ſet forth.

one ſhilling *per* tun.

duty on coals continued for thirty one years.

Recital of the act, 1 G 3.

and 3 G 3.

X. Stat. 5 Geo. 3. cap. 15. ſect. 28. *And whereas an act paſſed in the firſt year of his Majeſty's reign*, to prevent the exceſſive price of coals in the city of Dublin; *as alſo an act paſſed in the third year of his Majeſty's reign*, to amend and continue the ſaid act, *have been found to be of uſe*; *and whereas the city of Cork is very populous, and contains a great number of manufacturers, who are often greatly diſtreſſed by the exceſſive price of coals in the ſaid city*; it is enacted, that the ſaid recited acts, and all clauſes therein contained, ſhall extend to the city of Cork, as fully to all intents and purpoſes as if the ſaid city was expreſsly mentioned in the ſaid act, ſave only that all acts directed to be done, and all powers given by the ſaid acts, or either of them, to the lord mayor or recorder of the city of Dublin, ſhall be exerciſed by the mayor or recorder of the city of Cork for the time being.

extended to the city of Cork.

Execution of the powers.

XI. *ſect.* 29. And all powers given by the ſaid acts, or either of them, to the lord mayor, ſheriffs and recorder of the city of Dublin, ſhall be

be exerciſed in the city of Cork, by the mayor, ſheriffs and recorder of the ſaid city, and all acts directed to be done, and all powers given by the ſaid acts, or either of them, to the lord mayor and board of aldermen, ſhall, in the city of Cork be exerciſed by the mayor and common council of the city of Cork.

XII. *ſect.* 30. And the power of making bye-laws given by the ſaid act to the lord mayor, recorder and board of aldermen, ſhall, in the city of Cork, be veſted in the mayor, recorder and common council of the ſaid city, and ſave alſo that the civil bills directed by the ſaid acts, or either of them, to be brought before the recorder of the city of Dublin, ſhall in the city of Cork be brought before the going judges of aſſize for the county of the ſaid city. Making bye-laws, civil bills.

XIII. *ſect.* 31. Provided that the ſum to be advanced by the deputy vice-treaſurer, over and above the ſum that ſhall be paid in to him by the director of the publick coal-yard for the city of Cork, ſhall not at any time exceed three thouſand pounds, and that the ſecurity to be given by the ſaid director, ſhall be in the penalty of three thouſand pounds, and no more. Not to exceed 3000l.

XIV. *ſect.* 32. The office of comptroller ſhall be exerciſed by the mayor of the city of Cork for the time being, without any expence to the publick. Office of comptroller.

XV. *ſect.* 33. If any perſon ſhall buy or ſell any of the offices in the ſaid act mentioned, or any part of them, or ſhall bargain or agree to have any money or profit for any of the ſaid offices, or any part of the ſame, or to the intent that any perſon ſhall have any of the ſaid offices, or any part of the ſame, any perſon who ſhall ſo buy or ſell, bargain or agree as aforeſaid, or who ſhall give any promiſe or aſſurance of money, or of any other conſideration for any of the ſaid offices, and ſhall be convicted upon any action, indictment, or information for ſuch offence, ſhall, from the time of ſuch conviction, be adjudged a diſabled perſon to hold ſuch office, and ſhall forfeit one hundred pounds to ſuch perſon who ſhall firſt ſue or proſecute for the ſame with effect, and all ſuch bargains, agreements and aſſurances ſhall be null and void. Selling offices, diſability and forfeiture.

Cork, Debtors.

I. *Stat.* 3 *Geo.* 3. *cap.* 17. *ſect.* 60. *Whereas the court of conſcience held before the mayor of the ſaid city, and before each of the aldermen of the ward of the ſaid city, for determining cauſes in all ſmall debts between party and party, under the value of forty ſhillings, has been of great uſe*; the juriſdiction thereof ſhall be eſtabliſhed, ratified and confirmed; provided, that no perſon ſhall be longer confined by virtue of any warrants or commitment by the ſaid mayor or aldermen of the ward, under ſuch authority or juriſdiction of the ſaid court of conſcience, for any debts not exceeding in the whole twenty ſhillings, than three calendar months, to be computed from the firſt day of ſuch commitment. Court of conſcience, debts not exceeding 20s.

And that no perſon ſhall be longer confined by the authority aforeſaid, for any debts exceeding twenty ſhillings, and under forty ſhillings, than the term of ſix calendar months, to be computed as above, and from and after the reſpective determinations of ſuch confinements, the debts for which ſaid perſons ſhall have been ſo confined, ſhall be totally diſcharged to all intents and purpoſes, as if ſuch debtors had actually paid the ſame. Under 40s. perſons confined diſcharged.

Cork, Fiſhing.

Trawling in Cork harbour, ſave oyſters, 10l. with the veſſel, tackle, &c. to Houſe of Induſtry and proſecutor.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 23. *ſect.* 13. If any perſons after firſt Auguſt next take or deſtroy any fiſh whatſoever (oyſters excepted) in the harbour of Cork, inſide of the points called Cow and Calf, by trawling, ſuch perſons, ſhall, on due proof before the mayor, or any one or more of the juſtices of the county of ſaid city, or for the county of Cork, contiguous to ſaid harbour, forfeit ten pounds, together with the boat or veſſel employed in ſuch trawling or fiſhing, with all tackle, ſails and rigging, together with ſuch fiſhing-trawls and geer made uſe of in ſuch trawling; one moiety of ſaid ten pounds, and of the money by ſale of ſuch forfeited boat or veſſel to go to uſe of the Houſe of Induſtry of ſaid city, the other moiety to ſuch perſons as firſt ſue.

Warrant to water-bailiff or ſpecial officer to ſeize for trawling, and detain till determined,

and carry perſons before mayor or a juſtice,

on non-payment impriſoned 1 month.

II. *ſect.* 14. Mayor of Cork ſhall iſſue from time to time as occaſion require, a warrant to the water-bailiff or his deputy, or any other ſpecial officers by him appointed for that purpoſe, requiring to ſeize, arreſt, and attach, and take into cuſtody any boat or veſſel, that any of them find trawling for fiſh in ſaid harbour of Cork (oyſters only excepted) inſide ſaid points called Cow and Calf, and to carry ſaid boat or veſſel with her tackle, ſails, and rigging, fiſhing trawls and geer, to ſome convenient place within ſaid harbour, there to be detained until the cauſe of ſeizure determined purſuant to the meaning hereof, and to carry the ſeveral perſons, found trawling in ſuch boat or veſſel, before ſaid mayor, or any one or more of juſtices of the county of ſaid city, or county of Cork, contiguous to ſaid harbour, to have ſaid matters heard and determined, and according to the true intent and meaning hereof; and the ſaid mayor, or any of ſaid juſtices, ſhall have power on conviction for ſuch trawling to commit the perſon not paying his proportion of ſaid penalty to gaol for the county of ſaid city or county of Cork, according to their reſpective juriſdictions for payment of ſuch penalty, ſuch impriſonment not to exceed one month.

Cork, Harbour.

Diſcharging ballaſt.

I. *Stat.* 1 *Geo.* 3. *cap.* 18. *ſect.* 17. No ſhip, bark, boat or other veſſel, having ballaſt to diſcharge within the harbour of the ſaid city of Cork, ſhall diſcharge the ſame, or any part thereof, in the river Lee, but in ſuch places as ſhall be appointed by the water-bailiff of the ſaid city, or his deputy, unleſs the ſame be diſcharged above high water mark, under the penalty of twenty ſhillings for each veſſel of the burthen of twenty tuns or upwards, and the penalty of ten ſhillings, for each veſſel under the burthen of twenty tuns.

Fixing a tarpaulin.

II. *ſect.* 18. Every ſhip, bark, boat or other veſſel, taking in ballaſt from any lighter or other veſſel, or diſcharging ballaſt into any lighter, or other veſſel within the ſaid harbour, ſhall nail or fix a tarpaulin or tail-cloth from the gunnel or ballaſt port of ſuch veſſel, to hang over the gunnel of ſuch lighter or other veſſel, ſo as to prevent any ballaſt or dirt falling into the ſaid river, under the penalty of ten ſhillings for each ſuch offence.

Taking up ballaſt.

III. *ſect.* 19. No ſhip, bark, boat or other veſſel, ſhall take up any ballaſt or filling in any part of the ſaid river Lee, below the north and ſouth bridges of the ſaid city of Cork, except in ſuch places, as ſhall, from time to time be appointed by the ſaid water-bailiff, or his deputy, under the like penalty and forfeiture of ten ſhillings for every ſuch offence.

Throwing in rubbiſh.

IV. *ſect.* 20. No perſon ſhall throw any ſtones, rubbiſh or dirt into the ſaid river, or into any other publick docks or creeks of the ſaid river,

and

and every perſon offending therein, ſhall forfeit, for every ſuch offence, two ſhillings and ſix pence, and ſuch ſtones, rubbiſh or dirt, ſhall be removed out of the ſaid river, channel, dock or creek, at the coſts and charges of the offender.

Buoys to anchors.

V. *ſect.* 21. Every ſhip or other veſſel, anchoring or mooring in the ſaid river, between the Spit end and Dundaniel houſe, ſhall keep proper and ſufficient buoys to their anchors in order to prevent other ſhips from mooring foul, or overlaying each other; and every maſter or other perſon, who ſhall have charge of a ſhip or other veſſel, who ſhall offend herein, ſhall, for every ſuch offence, forfeit ten ſhillings.

Carrying out anchors.

VI. *ſect.* 22. Every ſhip or other veſſel, anchoring or mooring in the ſaid river, from Dundaniel-houſe to the Marſh-end, ſhall carry their anchors as far out of the channel as may be conveniently done, and ſhall alſo keep proper and ſufficient buoys to their anchors, and every ſhip or other veſſel, anchoring or mooring from the Marſh-end to the cuſtom-houſe dock in the ſaid city of Cork, ſhall carry their anchors to the ſouthward of the channel, beyond low water mark, and ſhall alſo keep proper and ſufficient buoys to their anchors.

Penalty for offences.

(2) And every ſhip or other veſſel anchoring or mooring in the ſaid river, from the cuſtom-houſe dock to the north bridge in the ſaid city, ſhall place their anchor as far from the center as poſſible, and ſhall alſo keep proper and ſufficient buoys to their anchors; and every maſter or other perſon, who ſhall have the charge of a ſhip, or other veſſel, who ſhall offend in any of the ſaid caſes, ſhall, for every ſuch offence, forfeit ten ſhillings.

Gunpowder in ſhips.

VII. *ſect.* 23. No ſhip or other veſſel whatſoever having on board any quantity of gun-powder, exceeding the weight of fifty pounds, ſhall come higher up in the ſaid river than the White-horſe or the Marſh-end, until the ſaid gunpowder be diſcharged, under the penalty of five pounds ſterling, to be forfeited by the maſter, or perſon who ſhall have charge of every ſuch ſhip or veſſel.

Continuing at the quay.

VIII. *ſect.* 24. No ſhip or other veſſel ſhall continue at the cuſtom-houſe quay, in the ſaid city of Cork, for any longer time than ſuch veſſel ſhall be diſcharging or loading goods, and as ſoon as any veſſel is diſcharged or laden, ſhe ſhall depart from the quay the next tide after ſhe floats; and every ſhip or veſſel having a warrant to diſcharge, ſhall take place of every ſhip or veſſel which has not a warrant for ſo doing, and the laden ſhip or veſſel, coming to diſcharge ſhall take place; and every maſter or other perſon having charge of any veſſel, refuſing ſo to give place, ſhall, for every ſuch offence, forfeit forty ſhillings; and the water-bailiff or his deputy, may be authorized and empowered to remove the ſaid ſhip or other veſſel to ſome other place.

Preventing free paſſage.

IX. *ſect.* 25. No ſhips or other veſſels ſhall lie ſo cloſe in the ſaid cuſtom-houſe dock, or in any other publick dock in the ſaid city, ſo as to prevent any other ſhip or veſſel from having a free paſſage into or out of ſuch docks on every ſide, under the penalty of five pounds for every ſuch ſhip or veſſel which ſhall block up or obſtruct ſuch paſſage, unleſs it ſhall appear that ſuch ſhip or veſſel was ſtruck on ground by accident, or benipt by the tide.

Sufficient hands.

X. *ſect.* 26. Every maſter or other perſon, who ſhall have charge of every ſhip or other veſſel, lying at anchor from the north bridge to the Black Rock in the ſaid river, ſhall, at all times, keep ſufficient hands on board, who ſhall ſlack their cables or hawſers, as often as ſhall be needful, for the ſafe-

ſafe and free paſſage of every ſhip, boat or veſſel up and down the river, under the penalty of ten ſhillings for every neglect thereof.

Water-bailiff's notice.

XI. *ſect.* 27. The water-bailiff and his deputy, may be reſpectively required to give notice to any ſhip or veſſel refuſing to give place to any laden ſhip, or obſtructing the free navigation in the ſaid city, to remove to ſome other convenient place without delay; and the maſter or other perſon having charge of any ſuch ſhip or other veſſel, who ſhall refuſe or neglect ſo to do, ſhall for every ſuch offence forfeit forty ſhillings; and the ſaid water-bailiff and his deputy may be further required, upon every ſuch refuſal or neglect, to remove ſuch ſhips or veſſels to ſome convenient birth, near the place where ſuch ſhips or veſſels then lay, as they ſhall judge moſt proper.

Recovery of penalties.

XII. *ſect.* 28. The ſeveral penalties herein before mentioned, ſhall, upon complaint being made before the mayor of the ſaid city of Cork, be recovered and levied in a ſummary way from the reſpective maſters or other perſons having charge of any ſhips or veſſels offending in the premiſſes, by diſtreſs and ſale of the offenders goods and chattles, by warrant under the hand and ſeal of the ſaid mayor; half of the ſaid ſeveral penalties to be paid to the treaſurer of the work-houſe of the ſaid city, and the other half to the informer, or other perſon who ſhall ſue for the ſame.

General iſſue.

XIII. *ſect.* 29. If any perſon ſhall be ſued or moleſted for any thing done by virtue of, or in purſuance of this act, ſuch perſon may plead the general iſſue, and give this act, which ſhall be deemed a publick act, and the ſpecial matter in evidence for his defence; and if a verdict ſhall paſs for the defendant, or the plaintiff diſcontinue his action, or be non-ſuited, or judgment be given againſt him upon demurrer, or otherwiſe, the defendant ſhall have double coſts.

Cork, Highways, &c.

Streets, *&c.* in Cork,

I. *Stat.* 3 *Geo.* 3. *cap.* 17. *ſect.* 54. Whereas ſeveral of the highways, ſtreets, and paved ways in the city and county of the city of Cork, require frequent repairing, and ſeveral bye ways therein are, and time out of mind have been, of leſs breadth than hereafter mentioned, and do notwithſtanding for the eaſe of the publick, require to be kept in repair; and whereas no money can be granted by preſentment for repairing the ſame, by reaſon of their not being of the breadth required by the ſtatute now in force for repairing highways: from henceforth it ſhall not be neceſſary in the affidavit or preſentment for repairing any road or highway in the city and county of the city of Cork, to ſet forth that ſuch highways or roads are to be of the breadth of twenty one feet between incloſure and incloſure, or to be made fourteen feet wide, but inſtead thereof, it ſhall be ſufficient the ſaid affidavit and preſentments ſet forth the true breadth of the ſame, between incloſure and incloſure, and how much thereof it will be neceſſary to repair.

affidavit and preſentment,

the true breadth.

Incroachments and nuiſances,

II. *ſect.* 55. It ſhall be lawful for the mayor and ſheriffs of the city of Cork, to remove all encroachments or nuiſances, in making doors or ſtairs of cellars projecting into the ſtreets or lanes, by delivering an order in writing to the reſpective tenants and occupiers of the reſpective houſes and cellars, ſetting forth and directing in what manner all ſuch doors, ſtairs, and paſſages, that are encroachments or nuiſances in ſuch ſtreets or lanes, ſhall be altered, or

order in writing;

in

in what manner ſet back, or to remove encroachments or nuiſances of ſhop windows, window ſhutters, frames, ſtandings, or other things in or upon ſuch ſtreets or lanes, and in caſe the chief tenant of ſuch cellars, and the owners of ſuch houſes, ſhops and cellars, ſhall refuſe or neglect to comply with ſuch directions of the mayor and ſheriffs, or refuſe to remove all ſuch encroachments and nuiſances, for the ſpace of twenty one days after ſuch order as aforeſaid, in ſuch caſe it ſhall be then lawful for the mayor and ſheriffs of the ſaid city to employ workmen, and alter, and remove, and take away the ſame, and to compel the ſaid tenants or owners to pay all the charges thereof by diſtreſs and ſale of their goods, to be levied by warrant under the hand and ſeal of the ſaid mayor.

tenants or owners neglecting; the mayor, &c. may remove, charges to be paid, &c.

III. *ſect.* 56. Provided, that if any perſon ſhall apprehend themſelves aggrieved by any ſuch order and direction as aforeſaid, they may appeal to the juſtices of the peace in their next ſeſſions to be held for the ſaid city, who are hereby required to hear and finally determine the ſame, and their determination ſhall be final and concluſive to all parties, and in the mean time all other proceedings upon ſuch order ſo appealed from ſhall ceaſe.

Appeal to the ſeſſions, ſentence final.

IV. *ſect.* 57. It ſhall be lawful for any perſons to take and carry away any dung, muck, mooring, or other manure, rubbiſh, or filling, they ſhall find laid in any highway, ſtreet or lane within the city or ſuburbs thereof, or within fifteen feet of the center of any road or highways out of the ſaid city and ſuburbs, and within the county of the ſaid city, and the ſame to apply to their own uſe; and in caſe any perſon ſhall obſtruct or hinder the taking the ſame, or in caſe any perſons ſhall throw or lay, or ſhall cauſe or ſuffer to be thrown or laid any coal-aſhes, duſt, dirt, rubbiſh, dung, or other filth, in any open ſtreet, lane or paſſage, or alley within the ſaid city or ſuburbs thereof, before the reſpective houſes, buildings, or walls, or before the walls of publick buildings, all ſuch perſons ſo offending, ſhall upon conviction before the mayor, or any other magiſtrate of the ſaid city, by confeſſion of the party, or the oath of one credible witneſs, forfeit five ſhillings, to be raiſed by ſale of the offender's goods, and to go, one moiety thereof to the perſon who ſues or proſecutes, and the other to the poor of the pariſh, and the perſon ſo offending, if unable to pay the ſaid fine, ſhall be committed to priſon for a ſpace not exceeding one week; provided that nothing herein contained ſhall extend to perſons who in repairing or building any houſe or other building, ſhall throw out any dirt or rubbiſh ſo as ſuch perſon in forty eight hours after ſuch dirt and rubbiſh ſhall be thrown into the ſaid ſtreets, paſſages, or lanes, ſhall cauſe the ſame to be carried away.

Rubbiſh, &c. in ſtreets, &c. obſtructing the removal, penalty, &c. committal for a week, exceptions for perſons building,

V. *ſect.* 58. For the more effectual cleanſing the ſtreets, lanes, alleys, paſſages and quays within the ſaid city and ſuburbs, it ſhall be lawful for the mayor and common council of the ſaid city, from time to time, to appoint two or more fit perſons to be ſcavengers for the ſaid city and liberties, to cleanſe and ſweep the ſtreets, lanes, alleys, paſſages, and quays thereof, and to carry and take away all dirt and other filth from the ſame, under ſuch clauſes, reſtrictions, penalties, powers and orders, or otherwiſe, as to the ſaid mayor and common council, or the majority of them in council aſſembled ſhall ſeem meet and expedient, and the grand jury at each aſſizes to be held for the county of the ſaid city ſhall and may preſent any ſum not exceeding five pounds, for the ſalary of ſuch ſcavengers.

Cleanſing the ſtreets, ſcavengers to be appointed, preſentment for ſcavengers.

VI. *ſect.* 59. If any perſon driving any car, dray, or cart, through any of the ſtreets, highways, paſſages or lanes in the ſaid city of Cork, or ſuburbs thereof, ſhall ride upon ſuch cart, dray or car, not having ſome perſon on foot

Riding on carts, &c.

foot to guide the ſame, or ſhall drive or lead the ſame in ſuch manner as to endanger the lives or limbs of the paſſengers, it ſhall be lawful for any perſons, on view of any drivers, or leaders of any car or cars, dray or cart, offending herein, to ſeize upon ſuch driver and car, dray, or cart, and to carry ſuch driver and car, dray, or cart, before the mayor, or any other juſtice of the peace of the ſaid city of Cork, and every ſuch offender being thereof convicted before the mayor or other juſtice of the peace of the ſaid city, by confeſſion or the oath of one credible witneſs, ſhall for every ſuch offence forfeit five ſhillings, to be levied by diſtreſs and ſale of the ſaid cart, dray or car, if belonging to the offender, or of any other goods belonging to him, by warrant under hand and ſeal of the ſaid mayor or other juſtice, which they are hereby required reſpectively to grant; one moiety to the perſon who ſhall ſue and proſecute for the ſame, and the other moiety to the poor of the pariſh, or the perſon ſo offending ſhall be ſent to the houſe of correction, there to be kept to hard labour for any time not exceeding five days, or be publickly whipt through the main ſtreet of the ſaid city, at the diſcretion of the ſaid mayor or other juſtice, if the perſon ſo offending ſhall not pay the ſaid fine within two hours after he is arreſted for ſaid offence.

ſeizure on view,

penalty,

houſe of correction,

unleſs fine paid in two hours.

Cork, Infirmaries.

Two infirmaries,

I. *Stat.* 5 *Geo.* 3. *cap.* 20. *ſect.* 21. Whereas two publick infirmaries or hoſpitals have been erected in the city of Cork, one called the North, and the other the South Infirmary, and are only ſupported by voluntary ſubſcriptions, which ſubſcriptions are not ſufficient for providing phyſicians or ſurgeons, and alſo food, medicine, and other neceſſaries for the poor patients therein: therefore it is enacted, that the yearly ſum of fifty pounds ſhall be paid out of the publick money to the treaſurer of each of the ſaid infirmaries, and the ſaid ſum of fifty pounds ſhall be paid half yearly, by the vice treaſurers of this kingdom, or their deputies, the firſt payment thereof to be made on the twenty fifth day of December next, each treaſurer reſpectively giving his receipts for the ſame, which receipts ſhall be allowed as vouchers for the ſaid vice treaſurers or their deputies, in paſſing their accounts.

50l. to each infirmary.

Grand jury of the city of Cork,

II. *ſect.* 22. The grand jury of the county of the ſaid city of Cork, at the next ſummer aſſizes after the end of this preſent ſeſſion of parliament, and at every ſummer aſſizes afterwards, ſhall have a power to preſent a ſum not exceeding one hundred pounds, nor leſs than fifty pounds, to be raiſed on the county of the ſaid city, and paid to the treaſurer thereof, to be by him paid over to the treaſurers of the ſaid infirmaries, to wit, a ſum not exceeding fifty pounds, to the treaſurer of the ſaid North infirmary, and a ſum not exceeding fifty pounds, to the treaſurer of the ſaid South infirmary, on their reſpective drafts or receipts, which drafts or receipts ſhall be allowed as vouchers to the treaſurer of the county of the ſaid city, in the paſſing of his accounts.

preſentment for 100l.

Application of money.

III. *ſect.* 23. The money ſo to be paid by the vice treaſurers of this kingdom, or their deputies, to the treaſurer of each of the ſaid infirmaries, ſhall be appointed by the governors of the ſaid infirmaries, in payment of phyſicians or ſurgeons for the ſame, or for ſuch other purpoſes, as the governors of the ſaid infirmaries ſhall reſpectively find adviſeable for the benefit of the ſaid infirmaries, and the patients therein.

IV. *ſect.*

IV. *ſect.* 24. And the money ſo to be raiſed by the grand jury of the county of the ſaid city, and to be paid to the treaſurer of each of the ſaid infirmaries, ſhall be applied by the governors of the ſame, in providing good medicines and other neceſſaries for the patients, in repairing the ſaid infirmaries, and the furniture thereof, and in paying the rents of ſaid infirmaries. Medicines and neceſſaries.

V. *Stat.* 11 & 12 *Geo.* 3. *cap.* 23. *ſect.* 1. The houſe and front lot of ground in ſouth ſuburbs of Cork, or any other houſe or buildings which at any time hereafter ſhall be erected thereon, or other houſe or piece of ground in the ſouth ſuburbs of ſaid city, that may be thought more convenient by the majority of the herein-after mentioned truſtees, and any houſe or buildings that at any time hereafter may be erected thereon, ſhall be veſted in the ſeveral perſons herein named; to the intent and purpoſe, and upon the ſpecial truſt and confidence, that the ſaid houſe and front lot of ground, and the buildings that now are or that may be erected thereon, or any other houſe or ground in the ſouth ſuburbs of the ſaid city of Cork, that ſhall be thought more convenient by the majority of the ſaid truſtees, and all buildings which are or ſhall be erected thereon, ſhall for ever hereafter be applied and diſpoſed of to the pious and charitable uſes herein mentioned. Houſe and ground in ſouth ſuburbs of Cork, or any other taken, veſted in truſtees named, to be applied to charitable uſes.

VI. *ſect.* 2. It ſhall be lawful for ſaid truſtees for the ſaid infirmary from time to time, and at any time, to accept of or take by leaſe or purchaſe any lands, tenements or hereditaments in the ſouth ſuburbs of ſaid city for any term of years, upon this ſpecial truſt and confidence, that the ſaid lands, tenements, or hereditaments, and all buildings now erected, or that ſhall be erected thereon, ſhall for ever hereafter be applied to and diſpoſed of to the pious and charitable uſes herein mentioned; and the ſaid lands, &c. and all houſes and buildings thereon, ſhall be veſted in and ſettled upon the aforeſaid truſtees, to be applied and diſpoſed of to the ſaid uſes. Truſtees may take leaſe or purchaſe of lands for any term of years; the lands and buildings veſted in them for ſaid uſes.

VII. *ſect.* 3. After the firſt of July, 1772, there ſhall be a body corporate to continue for ever for the execution of the ſaid charitable deſign; which body corporate ſhall conſiſt of the ſeveral perſons herein named. A body corporate, for ever.

VIII. *ſect.* 4. For ever thereafter in name and fact one body politick and corporate in law for the charitable purpoſes herein, and ſhall have perpetual ſucceſſion, and be called by the name of The truſtees for the South Charitable Infirmary of the city of Cork; and be enabled to plead and ſue, and to be impleaded and ſued by that name in all courts of juſtice, and ſhall and may appoint a common ſeal and ſeals for uſe of ſaid corporation, and ſhall have power and authority to meet together as often as occaſion; and the ſaid truſtees and their ſucceſſors, or any five or more ſo aſſembled, ſhall have power to make ſuch reaſonable laws, rules, orders, and regulations for the better government and management of ſaid infirmary, as they ſhall think neceſſary and convenient, and to revoke and alter the ſame at their diſcretion. For the charitable purpoſes herein named.

IX. *ſect.* 5. Said truſtees, or any five or more, ſhall, on the firſt Wedneſday in July 1772, proceed to elect fifteen fit perſons out of ſuch as at the time of ſuch election ſhall have been ſubſcribers for twelve calendar months previous to ſuch election towards the ſupport of ſaid infirmary, and the charitable purpoſes therein to be carried on; which fifteen ſhall be elected by the majority of the truſtees and ſubſcribers to the ſaid infirmary then preſent in ſaid infirmary houſe; and ſuch fifteen ſo to be elected, added to the truſtees herein before named, and ſhall to all intents and purpoſes, and as 5 or more truſtees to elect annually.

if their names were herein particularly inſerted, be deemed and taken to be truſtees for ſaid infirmary, from the day next after their being elected, until the day next after the firſt Wedneſday in July 1773, and for no longer time by virtue of ſuch election; and ſaid truſtees before named, and the truſtees from time to time elected purſuant to this act, or any five, ſhall in like manner on the firſt Wedneſday of July 1773, and in every ſubſequent year, proceed to elect fifteen fit perſons out of ſuch perſons as at the time of ſuch election ſhall have been ſuch ſubſcribers as aforeſaid towards the ſupport of ſaid infirmary, and the charitable purpoſes therein to be carried on; which fifteen perſons ſhall be elected by the majority of the truſtees and ſubſcribers to ſaid infirmary then preſent in ſaid infirmary houſe; and that ſuch fifteen perſons ſo from time to time to be elected, ſhall be added to the truſtees herein before named, and ſhall to all intents and purpoſes, and as if their names were herein particularly inſerted, be deemed and taken to be truſtees for ſaid infirmary from the day next after their being elected, until the day next after the firſt Wedneſday of July, in the year next following the time of their being elected, and for no longer time, by virtue of any one election.

Truſtees may take lands 1000l. a year in the whole, or any perſonal eſtate, for benefit of the infirmary.

X. *ſect.* 6. Said truſtees ſhall and may without licence in mortmain purchaſe, take, or receive any manors, lands, tenements, annuities, or hereditaments, in poſſeſſion, reverſion, or contingency, not exceeding the value of one thouſand pounds a year in the whole, of the alienation, gift, or deviſe of any perſon having a right, and not being otherwiſe diſabled to alien, grant, or demiſe the ſame, who are hereby enabled to transfer and grant the ſame accordingly, or any goods, chattles, and perſonal eſtate whatſoever, as well for the enlarging the ſaid houſe, rebuilding it, or taking any other houſe or piece of ground in the ſouth ſuburbs of ſaid city, as the majority of ſaid truſtees ſhould think moſt convenient, or enlarging or building on the ſame, as for the relief, ſupport, and maintenance of the maimed, ſick, and infirm perſons who are to receive the benefit of the ſaid infirmary.

May recover legacies, &c. in truſt.

XI. *ſect.* 7. Said truſtees and their ſucceſſors, ſhall have power and authority to recover all legacies, gifts, and bequeſts to any perſon whatſoever in truſt for ſaid infirmary, or for any of the charitable purpoſes therein carried on or to be carried on at any time or times previous to the firſt of July 1772.

May demiſe 31 years,

XII. *ſect.* 8. It ſhall be lawful for ſaid truſtees from time to time, by indenture under common ſeal to demiſe or leaſe any lands, tenements, or hereditaments, veſted in them in purſuance of this act, or any part or parcel thereof, for any term of years not exceeding thirty one, ſo as upon every ſuch demiſe or leaſe there be reſerved and made payable half yearly to the truſtees, and their ſucceſſors, during ſaid term, as much rent as at the time of making ſuch leaſe can be really and *bona fide* had for the ſame from a ſolvent tenant; and ſo as no fine or income, or other conſideration be taken for the ſame, other than the ſaid rents reſerved; and ſo as every ſuch demiſe or leaſe be made in poſſeſſion and not in reverſion.

no fine or conſideration.

Other leaſes void.

XIII. *ſect.* 9. All leaſes made of ſuch lands, tenements, or hereditaments in any other manner, ſhall not be good or available in law, but to all intents and purpoſes null and void.

A publick act.

XIV. *ſect.* 10. This act deemed and taken, and allowed in all courts within this kingdom as a publick act, and as ſuch all judges ſhall take notice thereof without ſpecially pleading the ſame.

Cork, Juries.

I. Stat. 5 Geo. 3. cap. 24. sect. 32. *And whereas it has been found that a sufficient number of freeholders cannot be easily had in the said city qualified to act as jurors of the court of record of the said city, whereby the trials of causes in the said court are much retarded, to the great loss and delay of the parties concerned: and whereas there are numbers of wealthy citizens in the said city who have not freeholds*; it is enacted, that from henceforth the want of freehold shall not be a legal or sufficient objection or challenge to any person summoned to be a juror in the said court, but any person possessed of or worth the sum of fifty pounds, over and above all his just debts, shall be qualified to be impannelled and sworn as a juror in the said court, as if such person had a sufficient freehold.

Want of freehold,

no legal challenge to a juror,

50l. above debts.

II. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *sect.* 29. The grand jury at any assizes for said city, after the first of July next, shall upon due proof of deficiency in any publick money presented to be raised by the grand jury, at the then next preceding assizes, present such deficiency to be raised along with the money by them to be presented and raised at said succeeding assizes.

Deficiencies presented by grand jury.

III. *sect.* 30. Nothing herein shall be construed, deemed, or taken to exempt said constables, or high constable, or any of them, or their heirs, executors, or administrators from the payment or recovery of any publick money that such constables or high constable shall have received, and not paid to the treasurer of the county of said city, but said treasurer shall upon recovery of such money according to the laws now in force from such constables, their heirs, executors, or administrators, give credit for the same in the books of the county of said city kept by him; and such sums, as shall be so recovered and received by said treasurer, shall be presented by the respective grand juries, at the assizes for county of said city, in aid of the publick money that shall be presented to be raised by said grand juries at each of said assizes.

Constables not exempt from payment of sums received,

recovered by treasurer,

presented in aid of publick money.

IV. *sect.* 21. It shall be lawful for the mayor, and justices for the county of said city, recorder, or deputy, as any happen to preside at quarter-sessions or any adjournment, to impose a fine not exceeding five pounds on any grand juror, petty juror, or witness legally summoned to attend, and shall refuse or neglect to appear pursuant, and for whom no sufficient excuse laid before the court; and to issue process from time to time in nature of execution to serjeants at mace, constables of county of said city, and bailiffs, or to any one or more, to levy said fine off goods and chattles of such grand juror, petty-juror, or witness so fined, and of the husband of *feme covert*; and said fine when levied shall be paid to governors of the work-house of Cork for use of the work-house, deducting two shillings and six pence to clerk of peace, two shillings and six pence to such serjeants at mace, constables, or bailiffs as shall execute said process.

Grand or petty-jurors and witnesses not appearing on summons, without sufficient excuse, fined not above 5l.

process in nature of execution;

on husbands of *feme covert*;

fines to work-house;

2s. 6d. to clerk of peace,

2s. 6d. to officer.

Cork, Lamps.

I. Stat. 5 Geo. 3. cap. 24. sect. 1. *Whereas an act passed in the third year of the reign of his present Majesty*, for continuing and amending several temporary statutes heretofore made for the better regulation of the city of Cork, *&c. has been found ineffectual, with respect to the erecting and continuing lamps in the said city of Cork; for the remedy whereof*, it is enacted, that the said act, so far as it relates to the erecting and continuing lamps in the said city, is hereby repealed.

Recital of the act 3 G. 3.

repealed, as to lamps.

Number of lamps, &c.

II. *ſect.* 2. It ſhall be lawful for the mayor, ſheriffs, and common council of the ſaid city of Cork, and they are hereby required yearly to aſcertain and fix on the number and kind of lamps neceſſary for the ſaid city and ſuburbs thereof, and the places where the ſame ſhall be erected, and the manner of erecting the ſame, and the time when, and how long the ſaid lamps ſhall be and continue lighted, and the manner of lighting, cleanſing, trimming, ſnuffing, maintaining, and repairing the ſame, together with the amount of the ſums of money to be expended in the erecting, lighting, cleanſing, trimming, ſnuffing, maintaining, and repairing each of the ſaid lamps.

time of lighting, &c.

Appointment of applotters.

III. *ſect.* 3. And it ſhall be lawful for the ſaid mayor, ſheriffs, and common council of the ſaid city of Cork, and they are hereby required every year, between the firſt day of May, and firſt day of Auguſt in each year, to nominate and appoint in writing, two inhabitants of each of the ſix pariſhes of the ſaid city and ſuburbs, to wit, St. Mary Shandon, St. Peter, St. Paul, Chriſt-church, St. Nicholas, and St. Finbarry to be applotters.

Making applotments.

IV. *ſect.* 4. And the ſaid applotters, or any five or more of them, ſhall and they are hereby required to applot the money to be levied, raiſed, and paid for the purpoſes aforeſaid, on the inhabitants of the ſaid city of Cork and ſuburbs thereof, according to the ſubſtance of the ſaid inhabitants reſpectively.

Deficiencies to be ſupplied.

V. *ſect.* 5. And as often as any deficiency ſhall happen in the ſums ſo to be applotted, or in the payment thereof, by or on account of the death, inſolvency, or change of abode of any of the ſaid ſeveral inhabitants, it ſhall be lawful for the next ſucceeding applotters, and they are hereby required to applot the amount of ſuch deficiency on the aforeſaid inhabitants, in ſuch manner as aforeſaid, with the next applotment which ſhall be made after ſuch deficiency ſhall ſo happen.

Oath of applotters.

VI. *ſect.* 6. And each of the ſaid applotters ſhall, previouſly to his acting as an applotter, take and ſubſcribe an oath, or ſolemn affirmation (if of the people called quakers) before the mayor of the ſaid city of Cork, that he will, according to the beſt of his ſkill, abilities, and knowledge, faithfully and impartially, without favour or affection, malice, or ill-will to any perſon or perſons whatſoever, applot the ſaid ſums ſo to be applotted as aforeſaid.

Refuſing to take the oath, &c.

VII. *ſect.* 7. And if any of the applotters, to be appointed purſuant to this act of parliament, ſhall neglect, omit, or refuſe to take the oath or affirmation hereby required to be taken by each of the ſaid applotters, or ſhall happen to die before the ſaid applotters, or any five or more of them, ſhall have made the aforeſaid applotments, that ſuch neglect, refuſal, omiſſion, or death, ſhall not invalidate the applotments to be made by the other of the ſaid applotters, or any five or more of them, but in every ſuch caſe, notwithſtanding ſuch neglect, omiſſion, refuſal, or death, the applotments to be made by the other of the ſaid applotters, or any five or more of them, ſhall be good and valid; and the ſaid applotments, in ten days after the ſame ſhall be ſo made, ſhall be returned to the mayor of the ſaid city of Cork, in writing, ſigned by the applotters thereof, or any five or more of them.

applotment of the others valid;

return of applotments.

Penalty of neglects, &c.

VIII. *ſect.* 8. And every perſon who ſhall be appointed an applotter by the mayor, ſheriffs, and common council of the ſaid city of Cork, purſuant to this act, and ſhall neglect, omit, or refuſe to take upon him the ſaid office, or undertaking the ſame, ſhall neglect or omit the execution thereof, or of any part thereof, or ſhall neglect, omit, or refuſe to return the applotments to be made by them in ſuch manner, and within ſuch time as herein before is mentioned, or ſhall, without reaſonable cauſe, neglect or omit for the ſpace of eight and forty

forty hours, after being ſummoned thereunto in writing, ſigned by the mayor of the ſaid city of Cork, to appear before the ſaid mayor, and to take the oath or affirmation herein before mentioned; or ſhall neglect or omit for twenty days after the majority of the applotters appointed purſuant to this act, ſhall have taken the oath or affirmation to make the aforeſaid applotments purſuant to this act, in every ſuch caſe, each of the ſaid applotters ſo offending, ſhall forfeit ten pounds, to be recovered by diſtreſs of the offender's goods, by virtue of a warrant under the hand and ſeal of the mayor of the ſaid city of Cork, to be iſſued for that purpoſe to the conſtable of one of the ſaid pariſhes, or other proper officer, and to be applied in ſuch manner as is herein after directed.

oath to be taken,

forfeiture of ten pounds.

IX. *ſect.* 9. And if it ſhall happen that no ſuch applotments as herein before ſet forth, ſhall be made by the aforeſaid applotters, or any five of them, within one calendar month after the ſaid applotters ſhall have been appointed purſuant to this act, in ſuch caſe, each of the ſaid applotters ſhall, from the end of the ſaid month, forfeit twenty ſhillings for every day, until the ſaid applotments ſhall be made and returned to the mayor of the ſaid city, to be levied by diſtreſs and ſale of the offenders goods, by ſuch warrant as aforeſaid, and to be applied in ſuch manner as herein after directed.

Applotments in one month,

penalty 20s. a day.

X. *ſect.* 10. And it ſhall be lawful for the ſaid mayor, ſheriffs, and common council of the ſaid city of Cork, from time to time, to agree with and appoint any perſons as lamp-contractors for erecting, lighting, cleanſing, trimming, ſnuffing, maintaining, and repairing the ſaid lamps, for any number of years, not exceeding fourteen, and the perſons ſo appointed, ſhall, before they ſhall enter upon the execution of the ſaid office, give ſecurity by bond made payable to the mayor, ſheriffs, and commonalty of the ſaid city of Cork, with two ſufficient ſecurities for the due and faithful execution of their offices.

Contracts for lamps, &c.

ſecurity by bond.

XI. *ſect.* 11. And it ſhall be lawful for the ſaid mayor, ſheriffs, and common council to nominate and appoint ſuch lamp-contractors to collect and receive the ſeveral ſums to be made payable by the applotments herein before mentioned, and the ſaid lamp-contractors ſhall collect and receive, half-yearly, the ſeveral ſums to be made payable by the herein before mentioned applotments, from all perſons liable to pay the ſame, and all perſons who ſhall be charged therewith, or be thereunto liable, ſhall pay ſuch ſums ſo applotted on them as aforeſaid, to the ſaid lamp-contractors for the time being, by two half-yearly payments, on every firſt day of January, and on every firſt day of July, ſuch lamp-contractors giving, from time to time, receipts gratis, if thereunto required.

Appointment of collectors,

half-yearly payments.

XII. *ſect.* 12. And that if any perſon ſhall neglect or refuſe to pay the ſums of money applotted on them as aforeſaid, for ſeven days after perſonal demand thereof made from them, by the ſaid lamp-contractors, or any perſon, by writing ſigned by the ſaid lamp-contractors thereunto authorized, or after demand in writing ſhall be left at the place of abode of ſuch perſons, in every ſuch caſe it ſhall and may be lawful for ſuch lamp-contractors, in the preſence of one conſtable of the ſaid pariſhes, to diſtrain the goods and chattles of ſuch perſons.

Diſtreſs of goods.

XIII. *ſect.* 13. And if the ſaid goods and chattles ſhall not be replevied, or the money paid within ſix days after ſuch diſtreſs made, together with the coſts of making ſuch diſtreſs, to be aſcertained by the mayor of the ſaid city of Cork, then to appraiſe and ſell the ſaid goods, or ſuch part thereof as ſhall be ſufficient to pay the money applotted on ſuch perſons, together with

Appraiſement and ſale.

with all coſts and charges attending the ſaid diſtreſs, returning the overplus (if any) to the owners of ſuch goods.

Replevin to be tried, &c.

XIV. *ſect.* 14. And in caſe any replevin ſhall be brought for the goods ſo diſtrained, the mayor of the ſaid city of Cork for the time being, ſhall and is hereby required to iſſue a ſummons in writing to all parties concerned, to hear and determine the matters in diſpute, whether the ſame ſhall depend upon a claim of property by a ſtranger or otherwiſe, in the moſt ſpeedy and ſummary way, by examining parties and witneſſes on oath, which he is hereby impowered to do, and to award return of goods ſo diſtrained, or a ſale thereof, for payment of the ſums applotted on the ſaid perſons, unleſs ſuch diſtreſs be forthwith redeemed, and the determination of the ſaid mayor ſhall be final and concluſive to all parties.

Neglect of contractors,

XV. *ſect.* 15. And it ſhall be lawful for the mayor, ſheriffs, and common council of the ſaid city of Cork, as often as any perſon whom they ſhall agree with, and appoint to erect, light, ſnuff, cleanſe, trim, maintain, and repair the ſaid lamps, ſhall be guilty of any neglect or miſbehaviour in the execution of their ſaid offices, to remove them ſo offending from their reſpective offices, and in their ſtead, from time to time, to appoint any other perſons

new appointment.

as lamp-contractors, to erect, light, ſnuff, cleanſe, trim, repair, and maintain the ſaid lamps, taking ſuch ſecurity from them as aforeſaid, for any term of years not exceeding fourteen; and ſuch perſon or perſons ſo to be agreed with and appointed, ſhall have and receive the ſeveral ſums to be made payable by the applotments aforeſaid, with the ſeveral powers of diſtraining and recovering the ſame, which are herein before mentioned.

Appeal to the judges of aſſize.

XVI. *ſect.* 16. Provided, that if any perſon ſo removed, ſhall think themſelves aggrieved by ſuch removal, it ſhall be lawful for them to appeal to the next going judge of aſſize for the county of the ſaid city, who is hereby authorized finally to determine the matter in diſpute, and to reſtore ſuch perſons, or to confirm their removal, as to the ſaid judge ſhall ſeem fit, from which determination there ſhall be no further appeal.

Neglect of perſons appointed, &c.

XVII. *ſect.* 17. And if any perſons whom the mayor, ſheriffs, and common council of the ſaid city of Cork ſhall agree with and appoint to erect, light, ſnuff, cleanſe, trim, maintain, and repair the ſaid lamps as aforeſaid, ſhall neglect to ſupply the ſaid lamps with a ſufficient quantity of good and proper wick or oil, to continue lighting for ſuch time as the ſaid mayor, ſheriffs, and common council ſhall determine and fix on, or ſhall neglect to keep the glaſſes of the ſaid lamps, and every of them clean and entire, or ſhall be guilty of any other neglect for which the mayor or ſheriffs, and common council of the ſaid city, may not think proper to remove the ſaid perſons, in every ſuch caſe, ſuch perſons ſo offending, ſhall forfeit for every lamp which the ſaid perſons ſhall ſo neglect, for every night which ſuch perſons ſhall ſo neglect the ſame, five ſhillings, to be recovered and levied by diſtreſs and ſale of ſuch offender's goods after conviction, before the mayor or other juſtice of the peace of the ſaid city of Cork, by the teſtimony of one witneſs, or by confeſſion of the party accuſed, and to be applied in manner herein after directed.

5s. for each night, &c.

Breaking lamps, &c.

XVIII. *ſect.* 18. And if any perſon ſhall wilfully and maliciouſly break, throw down, or extinguiſh any lamp, now or hereafter to be ſet up to light the ſtreets, lanes, paſſages, or quays of the ſaid city of Cork, or the ſuburbs thereof, or wilfully damage the poſts, iron, or other furniture of the ſame, it ſhall be lawful for any perſon to arreſt and detain ſuch offenders, until they

detaining offenders, &c.

may

may be carried before the mayor, or ſome other juſtice of the peace of the ſaid city for the time being.

XIX. *ſect.* 19. And every perſon ſo offending, and being thereof convicted by the oath of one witneſs, or by the confeſſion of the party accuſed before the mayor, or any juſtice of the peace for the ſaid city, ſhall, for the firſt offence, forfeit forty ſhillings for each lamp-poſt, iron, or furniture thereof; and for the ſecond offence fifty ſhillings for each lamp-poſt, iron, or furniture thereof; and for the third and every ſubſequent offence three pounds for each lamp-poſt, iron, or furniture thereof ſo to be broken, thrown down, extinguiſhed, or wilfully damaged, to be recovered and levied by diſtreſs and ſale of the offender's goods in manner as aforeſaid, and to be applied in ſuch manner as herein after directed. Penalty for offences, firſt offence, ſecond offence, third offence, diſtreſs of goods.

XX. *ſect.* 20. And in caſe any perſon ſhall be convicted in the manner before preſcribed, of breaking, throwing down, or extinguiſhing any lamp within the ſaid city or ſuburbs thereof, or wilfully damaging the poſts, iron, or other furniture thereof, and no goods or chattles of the perſon ſo offending, can at the time of ſuch conviction be found, in ſuch caſe it ſhall be lawful for the ſaid mayor or juſtice hearing ſuch complaint, to commit ſuch offender to the houſe of correction, there to be kept to hard labour for any time not leſs than one month, and not exceeding ſix months. Committal for want of diſtreſs.

XXI. *ſect.* 21. Provided, that if ſuch penalty or forfeiture ſhall be paid before the time of ſuch commitment be expired, that then ſuch offender ſhall upon ſuch payment be immediately diſcharged out of cuſtody. Diſcharge upon payment.

XXII. *ſect.* 22. And in caſe no goods or chattles of any of the other offenders, who ſhall be convicted of any of the other offences, omiſſions, or refuſals, made puniſhable by pecuniary penalties by any other part of this act relating to lamps, ſhall be found within twenty-four hours after iſſuing ſuch warrant as aforeſaid, then it ſhall be lawful for the ſaid mayor to iſſue his warrant in nature of an execution, to take the body of ſuch offender, and to commit ſuch offender to the gaol of the ſaid city and county of the ſaid city of Cork, to be held in execution until ſuch penalty and forfeiture ſhall be paid. No goods to be found, execution againſt offender.

XXIII. *ſect.* 23. Provided, that if any perſons ſhall think themſelves aggrieved by the judgment of the ſaid mayor of the city of Cork, or other juſtice of the peace, that ſuch perſons may appeal to the juſtices of the peace at the next general or quarter-ſeſſions to be held for the ſaid city of Cork; and if any ſuch perſons ſhall happen to be in cuſtody, ſuch perſons ſhall be diſcharged out of cuſtody, upon giving ſufficient bail to appear at the ſaid ſeſſions. Appeal to the quarter ſeſſions, bail to be taken.

XXIV. *ſect.* 24. And the juſtices of the peace at ſuch ſeſſions are hereby impowered to ſummon and examine witneſſes on oath on either ſide, and finally to hear and determine the merits of ſuch appeal, and make ſuch order therein, as ſhall be agreeable to the proviſion and meaning of this act, and to the nature and circumſtances of the caſe; and in caſe of conviction, ſhall iſſue warrants for levying the penalties and forfeitures, and for committing the offenders as aforeſaid. Juſtices to examine, &c. warrant on conviction.

XXV. *ſect.* 25. All the pecuniary penalties and forfeitures which ſhall be inflicted and levied by this act, for wilfully or maliciouſly breaking, throwing down, or extinguiſhing any lamps, erected or to be erected in the ſaid city or ſuburbs thereof, or for wilfully damaging the poſts, iron, or other furniture of the ſame, ſhall be paid and applied in the manner following, that is to ſay, one moiety thereof to the perſons who ſhall diſcover and proſecute ſuch offenders to conviction, and the other moiety, and all the other pecuniary penalties and forfeitures Application of the penalties, one moiety to the informers,

a moiety to the work-house.

feitures which shall be inflicted and levied by this act, to the governors of the work-house of the said city of Cork, for the use of the said work-house.

Stealing lamps, &c.

XXVI. *sect.* 26. And if any persons shall steal, or forcibly carry away any of the said lamps, irons, posts, or furniture thereof, such persons, being lawfully convicted thereof upon indictment, shall be adjudged guilty of felony,

transportation for seven years.

and shall be transported to one of his Majesty's plantations in America for seven years, or shall be publickly whipt at the discretion of the judge who shall pass judgment on such offender.

Money expended by the mayor, &c.

XXVII. *sect.* 27. *And whereas the mayor, sheriffs, and commonalty of the said city of Cork, not having money sufficient in the funds of the said city for the erecting and lighting lamps in the said city and suburbs, did, on the credit of the said funds, and in consequence of a clause in the herein before recited act of parliament, borrow the sum of nine hundred and thirty eight pounds sixteen shillings and seven pence half-penny, at interest at the rate of five pounds for every hundred by the year, which sum they have expended for the purposes aforesaid: and whereas the said mayor, sheriffs, and commonalty have repaid the said sum of nine hundred and thirty eight pounds sixteen shillings and seven pence halfpenny, together with seventy seven pounds thirteen shillings and eight pence interest due thereon, amounting in the whole to the sum of one thousand and sixteen pounds ten shillings and three pence,* it is enacted,

discharged by applotment,

that the applotters to be appointed pursuant to this act, shall, and they are hereby required, over and above the sums which they are herein before required to applot on the several inhabitants of the said city of Cork, and the suburbs thereof, to applot on the said inhabitants, according to their substance, the aforesaid sum of one thousand and sixteen pounds ten shillings and three pence, in three equal yearly successive applotments, the said applotments to be

three successive years.

collected with the first, second, and third of the said applotments which shall be made after the end of this present session of parliament, for the erecting, lighting, trimming, snuffing, cleansing, repairing, and maintaining the lamps of the said city of Cork, and the suburbs thereof.

Collection by the contractors.

XXVIII. *sect.* 28. And the said lamp-contractors shall collect and receive the same in manner aforesaid, and shall pay over to the chamberlain of the said city of Cork, for the use of the said mayor, sheriffs, and commonalty, the said sum of one thousand and sixteen pounds ten shillings and three pence, as they shall receive the same, under the said three applotments thereof.

Property in the lamps, &c.

XXIX. *sect.* 29. And all the lamps, irons, posts, and other furniture thereunto belonging, now in the possession of the said mayor, sheriffs, and commonalty of the said city of Cork, and which were purchased with part of the said sum of one thousand and sixteen pounds ten shillings and three pence, shall go in aid of the execution of this act, without any money being levied or raised for the value or purchase of the same, save the aforesaid sum of one thousand and sixteen pounds ten shillings and three pence.

Neglects of applotters,

XXX. *sect.* 30. And every person who shall be appointed an applotter in manner herein before set forth, and shall refuse or neglect to take upon him the office of applotting the said sum of one thousand and sixteen pounds ten shillings and three pence, or shall undertake the same, and omit or neglect the execution thereof, or shall omit or neglect to return the applotment, in such manner, and within such time, as herein before is mentioned, with respect to the other applotments herein before set forth, shall be liable and subject to such penalties, forfeitures, and punishments, as he would have been

been liable to, in case he had been guilty of such refusal, neglect, or omission, with respect to the other applotments herein before mentioned. punishment.

XXXI. *sect.* 31. And the aforesaid lamp-contractors shall have the same power and authority, and are hereby required, to collect the said sum of one thousand and sixteen pounds ten shillings and three pence, in the same manner as in case of the other applotted sums herein before mentioned; and the persons on whom any part of the said sum shall be applotted, shall be liable to the payment of the same, in like manner as they are to the payment of the other sums herein before mentioned. Powers for collecting.

XXXII. *sect.* 59. The act (3 Geo. 3. cap. 17.) *for erecting and continuing lamps in the city of Cork*, &c. except such parts thereof as are hereby repealed, amended, or altered, shall remain in force as if this act had never been made. The act 3 Geo. 3. continued.

XXXIII. *sect.* 60. If any person shall be sued for any thing done in pursuance of this act, such person may plead the general issue, and give this act (which shall be deemed a publick act) and the special matter in evidence for their defence, and if a verdict shall pass for the defendants, or the plaintiffs discontinue their action, or be nonsuited, or judgment be given against the plaintiffs on demurrer or otherwise, the defendants shall have double costs. General issue. double costs.

XXXIV. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *sect.* 21. After the first of July next, it shall be lawful for the mayor, sheriffs and common council of the city of Cork, to assemble at the council chamber of said city, from time to time, and at such times as they think proper, and to ascertain and fix on the number and kind of lamps necessary for said city and suburbs, and the places where the same shall be erected, and the manner of erecting, and the time when and how long said lamps shall be and continue lighted, and the manner of lighting, cleansing, trimming, snuffing, maintaining and repairing the same, together with the amount of the sums to be expended in the erecting, lighting, cleansing, trimming, snuffing, maintaining and repairing each of said lamps, and from time to time, to agree with and appoint any person or persons to be lamp contractors for erecting, lighting, cleansing, trimming, snuffing, repairing and maintaining lamps in said city and suburbs for one year, or any number not exceeding three years; and the persons so appointed, shall, before they enter upon the execution of said office, give security by bond, conditioned in such sum as to the said mayor, sheriffs and common council, or the majority of them, shall seem reasonable, and payable to the mayor, sheriffs and commonalty of the said city of Cork, with two sufficient securities for the due and faithful execution of their offices; and it shall be lawful for said mayor, &c. to constitute, nominate and appoint, by order or orders under hands and seals, such lamp contractors, to collect and receive the money so ascertained, for the erecting, cleansing, trimming, snuffing, maintaining and repairing said lamps yearly, and said lamp contractors shall collect and receive the same half yearly from the several tenants, occupiers or owners of the several dwelling-houses, out-houses, offices, cellars, stables, linneys and yards in said city and suburbs, according to the several valuations aforesaid, by a poundage on said valuations; that is to say, that the annual sums to be ascertained by said mayor, sheriffs and common council, or the majority of them, for erecting, lighting and repairing said lamps, shall be levied upon, and paid half yearly by the tenants, owners and occupiers, rateably, and in proportion to the valuations to be made in manner aforesaid; and in case of non-payment for two days after demand by said lamp contractors, on the tenants, occupiers or owners, for the payment Mayor, &c. in council chamber to ascertain number and kind of lamps, and manner of lighting, &c. and agree with contractors for 1 year, or not above 3, on bond with 2 sureties, to collect the money, half yearly, by poundage on said valuations, rateably, on non-payment 2 days after demand, to enter and distrain,

payment of their reſpective proportions of ſaid lamp money, it ſhall be lawful for ſaid lamp contractors, or any of them, or for the bailiff of them, or any of them, appointed for that purpoſe, under hands and ſeals of ſuch lamp contractors (if more than one) to enter into and upon the ſaid dwelling-houſes, out-houſes, offices, cellars, ſtables, linneys and yards reſpectively, and to diſtrain any goods or chattles which may be found upon the ſame for the proportion of the ſaid lamp money ſo charged on them reſpectively; and the diſtreſſes ſo taken, if not redeemed within two days from the day of diſtraining, with the payment of one Engliſh ſhilling for the trouble of ſuch diſtraining, to ſell by publick cant for the payment of ſaid lamp money for which ſuch diſtreſſes ſhall be ſo taken, together with one Engliſh ſhilling for the trouble of ſuch diſtraining, rendering the overplus, if any, to the owners; and in caſe no ſufficient diſtreſs can be had or found, or the premiſſes ſhall be kept locked or faſtened up, ſo as that ſaid lamp contractors, or any of them, or the bailiff of them, or any of them, ſhall be prevented from entering and diſtraining, it ſhall be lawful for the ſaid lamp contractors to ſummon the tenant, occupier or owner to appear before the mayor, or any one of the aldermen of the ward, for the payment of the lamp money ſo charged, and in caſe of non-appearance of the party ſummoned, and proof by oath or affidavit before ſaid mayor or aldermen reſpectively of having been ſummoned (which oath or affidavit the ſaid mayor or aldermen are hereby reſpectively authorized to adminiſter and take) or in caſe of the appearance of ſuch party, and refuſal to pay the lamp money ſo due on the premiſſes ſo locked or faſtened up to which ſuch party ſhall be tenant, occupier or owner, together with four pence for the coſt of ſuch ſummons, that it ſhall be lawful for the ſaid mayor, or ſuch alderman, who granted ſaid ſummons, to iſſue a warrant under hand and ſeal, in the nature of an execution, directed to the conſtables of the county of ſaid city, or any one of them, or to ſome ſpecial conſtable appointed for that purpoſe, to levy off the goods and chattles of the party ſo ſummoned, his or her proportion of the ſaid lamp money, together with ten pence for coſts of ſaid ſummons and warrant, and the further ſum of one Engliſh ſhilling for the conſtable or ſpecial conſtable's trouble for levying ſaid lamp money; and the ſaid lamp money ſo levied ſhall be paid immediately on the levying to ſaid lamp contractors by the conſtable or ſpecial conſtable who ſhall levy, together with ſaid ten pence coſts; and lamp contractors ſhall pay over ſaid ten pence to the ſaid mayor or alderman that ſhall have iſſued ſaid ſummons and warrant.

and ſell if not redeemed in 2 days,

if no ſufficient diſtreſs, or locked or faſtened, ſummoned before mayor or alderman,

on default or refuſal warrant to conſtables to levy,

10d. coſts, 1s. Engliſh for conſtable,

paid to contractors.

No owner liable when an actual tenant in poſſeſſion.

XXXV. *ſect.* 22. No owner liable to be ſo ſummoned, or to pay any part of ſaid lamp money, when there is an actual tenant in poſſeſſion of the premiſſes out of which ſaid lamp money is refuſed or neglected to be paid.

Contractors removed on oath of 1 witneſs of neglect or miſbehaviour,

others appointed for 1 year or not above 3,

XXXVI. *ſect.* 23. It ſhall be lawful for the mayor, ſheriffs, and common council of ſaid city, or the majority, as often as any perſons with whom they agree and appoint to erect, light, ſnuff, cleanſe, trim, maintain, and repair the ſaid lamps ſhall be guilty of any neglect or miſbehaviour in execution of their offices, upon proof thereof in a ſummary way by oath of one witneſs, (which oath ſaid mayor is hereby authorized to adminiſter) or by confeſſion of the party, to remove from their reſpective offices, and in their ſtead, from time to time to appoint any other lamp contractor or contractors for one year, or any number of years, not exceeding three, taking ſuch ſecurity as aforeſaid; and ſuch perſon or perſons ſo to be agreed with and appointed, may

and

and ſhall have and receive the ſeveral ſums payable as lamp money as aforeſaid, with like ſeveral powers of diſtraining, receiving, and recovering the ſame which are herein before mentioned; and ſaid mayor, ſheriffs, and common council, or the majority, ſhall have like power of appointing ſuch perſon or perſons to collect and receive as aforeſaid, and alſo like power of removing, and ſubſtituting others in their ſtead and place. with like powers.

XXXVII. *ſect.* 24. If any perſons, whom the mayor, &c. ſhall agree with and appoint to erect, light, ſnuff, cleanſe, trim, maintain and repair ſaid lamps, ſhall neglect to ſupply ſaid lamps, or any of them, with a ſufficient quantity of good and proper wick or oil to continue lighting for ſuch time as ſaid mayor, ſheriffs and common-council, or the majority ſhall fix on, or neglect to keep the glaſſes of ſaid lamps, or any of them, clean and intire, or ſhall be guilty of any other neglect, for which the mayor, &c. may not think proper or ſufficient to remove ſuch lamp contractors from their offices, ſuch perſons ſo offending ſhall forfeit for every ſuch neglect five Engliſh ſhillings, to be recovered and levied by diſtreſs and ſale of ſuch offender's goods and chattles after conviction in a ſummary way before the mayor or other juſtice of the peace of ſaid city by the oath of one witneſs (which oath ſaid mayor or other juſtice are hereby authorized to adminiſter) or by confeſſion of the party accuſed, and to be applied in manner herein after directed; and if any perſons wilfully or maliciouſly break, throw down, or extinguiſh any lamp to be ſet up to light the ſtreets, lanes, or paſſages, or quays of ſaid city, or ſuburbs, or wilfully damage the poſts, irons, or other furniture, it ſhall be lawful for any perſon to arreſt and detain ſuch offender, until they may be carried before the mayor, or ſome other juſtice for ſaid city; and every perſon ſo offending, and being thereof convicted in a ſummary way by the oath of one witneſs, or confeſſion of the party accuſed, before the mayor, or any juſtice for ſaid city (which oath ſaid mayor or juſtice is hereby authorized to adminiſter) ſhall for ſuch offence forfeit forty ſhillings for each lamp poſt, iron, or furniture thereof, ſo broken, thrown down, extinguiſhed, or wilfully damaged, to be recovered and levied by diſtreſs and ſale of offender's goods as aforeſaid, and applied in manner herein after mentioned; and in caſe no goods or chattles of the perſons ſo offending can at the time of ſuch conviction be found, it ſhall be lawful for ſaid mayor or juſtice, before whom ſuch offender convicted, to commit to the houſe of correction, kept to hard labour not leſs than one month, and not exceeding three months. Lamp contractors on neglect, forfeit 5s. on conviction before mayor or a juſtice on oath of one witneſs; breaking lamps, &c. forfeit 40s. if no diſtreſs, committed.

XXXVIII. *ſect.* 25. If ſuch penalty or forfeiture paid before the time of ſuch commitment be expired, ſuch offender ſhall upon ſuch payment be immediately diſcharged; and ſaid penalty of five Engliſh ſhillings hereby impoſed on ſaid lamp contractors, or any of them, and ſaid penalty of forty ſhillings on any perſon, for wilfully or maliciouſly breaking, throwing down, or extinguiſhing any lamp erected in ſaid city or ſuburbs, or for wilfully damaging the poſts, irons, or other furniture, or any of them, ſhall be paid and applied in the manner following, one moiety to the perſons who ſhall diſcover and proſecute ſuch offenders to conviction, and the other to the governors of the work-houſe of ſaid city, for uſe of ſaid work-houſe, firſt deducting the expences of repairing ſuch poſt, iron, or their furniture; and if any perſons ſhall ſteal or forcibly carry away any of ſaid lamps, iron, poſts, or furniture, being lawfully convicted thereof upon indictment, adjudged guilty of felony, and tranſported to one of his Majeſty's plantations in America for ſeven years, Diſcharged on payment; penalties to proſecutor and the work-houſe; ſtealing or forcing away, felony, tranſportation 7 years,

or whipped.

or publickly whipped at the diſcretion of the judge who ſhall paſs judgment on ſuch offenders.

1016l. 10s. 3d. not raiſed purſuant to 5 G. 3. c. 24. ſhall be added in 8 yearly ſucceſſive diviſions; chargeable with lamp money,

XXXIX. *ſect.* 26. The mayor, ſheriffs and common-council of the ſaid city, or majority of them, ſhall cauſe one thouſand and ſixteen pounds ten ſhillings and three pence to be added in eight equal yearly ſucceſſive diviſions to the firſt eight yearly ſucceſſive ſums of money, that ſhall be aſcertained and directed, after the paſſing of this act, by the ſaid mayor, &c. to be raiſed in manner before mentioned for the erecting, trimming, ſnuffing, cleanſing, repairing, and maintaining the lamps of ſaid city and ſuburbs; and the ſame ſhall be chargeable and paid by the aforeſaid occupiers, tenants, and owners, in the proportion, and according to the method herein before mentioned for the raiſing and paying the ſaid annual lamp money, along with and at the time of the payment of ſaid lamp money for the firſt eight ſucceſſive years, that ſaid lamp money ſhall be raiſed, after the paſſing this act, with the like remedies for recovery, in caſe of nonpayment thereof, as herein before mentioned with reſpect to ſaid lamp money; and the ſame lamp contractors ſhall collect and receive the ſame as before mentioned with reſpect to ſaid lamp money; and ſhall pay over to the chamberlain of ſaid city for uſe of ſaid mayor, ſheriffs and commonalty, the ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, as, and when he or they ſhall receive the ſame, under the ſaid eight annual diviſions thereof reſpectively; and all and ſingular the lamps, irons, poſts, and other furniture thereunto belonging, now in poſſeſſion of ſaid mayor, &c. and which were purchaſed with part of ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, ſhall go in aid of the execution of ſuch part of this act, as relates to lighting the ſaid city and ſuburbs thereof without any ſum or ſums of money being levied or raiſed for the value or purchaſe thereof, ſave the aforeſaid ſum of one thouſand ſixteen pounds ten ſhillings and three pence.

and paid to chamberlain for uſe of mayor, &c.

Deficiencies of lamp money added to the money appointed.

XL. *ſect.* 31. The mayor, ſheriffs and common council of ſaid city, or the majority, upon due proof made for deficiency, by oath of ſaid lamp contractors, or any of them (which oath ſaid mayor is authorized to adminiſter) ſhall add ſuch deficiency to the money to be appointed by ſaid mayor, &c. for the erecting, lighting, trimming, ſnuffing, cleanſing, repairing, and maintaining the lamps of ſaid city and ſuburbs for the enſuing year; and ſuch deficiency ſhall be deemed and taken as part of ſuch money ſo to be appointed, and collected, received, and recovered therewith.

Cork, Manufactures, &c.

Former laws ineffectual,

I. *Stat.* 3 *Geo.* 3. *cap.* 15. *ſect.* 51. Whereas notwithſtanding the ſeveral acts of parliament made in this kingdom to prevent unlawful aſſemblies and combinations of artificers, journeymen, apprentices, labourers, and manufacturers, ſuch combinations and unlawful aſſemblies have of late greatly increaſed in the ſaid city of Cork and liberties thereof: and whereas it has been found very difficult to detect and convict ſuch offenders, by reaſon that ſuch unlawful aſſemblies are generally held ſecretly and in private places, in the houſes and preſence of perſons whoſe teſtimony cannot be had, as the laws ſtand, they themſelves being guilty or party in ſuch offences: it ſhall be lawful for the mayor, or any other juſtice of the peace of the city of Cork, upon examinations upon oath being given, or affidavit made before them, or any of them, of any

difficulty of conviction,

examination or affidavit,

ſuch

ſuch combination or unlawful aſſembly, to ſummon all or any of the perſons accuſed or ſuſpected, and to adminiſter an oath to ſuch of the perſons ſo ſummoned, as he in his diſcretion ſhall think fit; and every ſuch perſon ſhall ſwear to anſwer all ſuch queſtions as ſhall be demanded of him, touching ſuch combinations or unlawful aſſemblies, and ſhall anſwer all ſuch queſtions, and ſhall diſcover the names and places of abode, to the beſt of their knowledge and belief, of the ſeveral perſons who have acted or been concerned in any ſuch combinations or unlawful aſſemblies, and ſhall not by any plea or demur cover or conceal the ſame; and ſuch examinations ſhall be reduced in writing, and ſigned by the mayor or other magiſtrate before whom the ſame are taken, and by the parties ſo examined, and ſhall be returned to the next quarter ſeſſion or aſſizes; and ſuch perſons ſo examined ſhall be bound by recognizance in a ſum not exceeding twenty pounds to appear at the next quarter ſeſſions or aſſizes, in the uſual manner at the election of the mayor or other magiſtrate before whom ſuch examination ſhall be given, and to proſecute the perſons charged by them with being concerned in ſuch unlawful combinations or aſſemblies; and in caſe any ſuch perſon ſo ſummoned ſhall neglect or refuſe to appear before ſuch magiſtrate, or to take ſuch oaths as aforeſaid, or give their teſtimony, and be examined in manner aforeſaid, or to ſign ſuch examinations, the ſaid mayor or other magiſtrate ſhall iſſue warrants, and cauſe ſuch perſons to be impriſoned in the city gaol for three months, or ſent to Bridewell, or the houſe of correction, there to be kept at hard labour for one month; and in caſe ſuch perſon ſo examined ſhall neglect or refuſe to give their teſtimony at the ſeſſions or aſſizes where they ſhall be bound to appear, in every ſuch caſe the judge of aſſizes at the aſſizes, and juſtices of the peace of the county of the city of Cork in their quarter ſeſſions, ſhall reſpectively forthwith upon ſuch default or refuſal iſſue their warrants to apprehend and detain in execution in the city gaol of Cork, the bodies of the perſons making ſuch default, or refuſing to give teſtimony as aforeſaid, until they ſhall pay the penalty of their reſpective recognizance, to be applied and paid over to the governors of the work-houſe of the ſaid city.

perſons ſummoned ſhall anſwer,

diſcover unlawful aſſemblies, &c.

return to the next ſeſſions,

condition of recognizance,

refuſing to appear, &c.

to be impriſoned three months,

refuſing teſtimony, &c.

execution for the penalty of bond.

II. *ſect.* 52. Every perſon who ſhall be ſummoned or examined as aforeſaid, and ſhall afterwards appear on their reſpective recognizance, and give teſtimony at the aſſizes or quarter ſeſſions as aforeſaid, if required by the court or proſecutor ſo to do, ſhall be acquitted and diſcharged from all further proſecutions, and from any puniſhment, forfeiture, or penalty which they have incurred for or by reaſon of any offence diſcovered in their reſpective examinations or teſtimony; and every ſuch perſon ſo examined and bound over, ſhall, if required by the court or proſecutor, be examined as witneſſes againſt all other perſons concerned in, or charged with any ſuch unlawful combinations or aſſemblies.

Perſons giving teſtimony,

diſcharged from all penalties;

perſons bound over.

III. *ſect.* 53. Provided alſo, that if any perſons who ſhall be ſummoned and examined as aforeſaid, concerning the diſcovery of any ſuch unlawful combination or aſſembly, ſhall in any ſuch examination as ſhall be taken in purſuance of this act, or in their teſtimony upon the trial of any perſons for or concerning any ſuch unlawful combinations or aſſembly, commit any manner of wilful or corrupt perjury, that every ſuch offender being thereof lawfully indicted and convicted, ſhall loſe and forfeit ſuch ſums of money, and further ſhall be proceeded againſt, impriſoned, and ſtand upon the pillory, and be ſubject to ſuch other puniſhments and diſabilities, as by a ſtatute made in this kingdom in the reign of Queen Elizabeth is ordained.

Perſons examined,

committing perjury, impriſoned and pillory.

IV. *Stat.*

Summoning artificers to meet and fix price of labour, adminiſtering oaths, delivering tokens, &c. the mayor or one juſtice may on oath of one witneſs commit to gaol, and order to be whipped, and recognizance not exceeding 40l. for behaviour 7 years.

IV. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 40. If any perſons not lawfully authorized, ſhall ſummon, or cauſe to be ſummoned, by writing or otherwiſe, any manufacturer, artificer, journeyman, apprentice, or labourer, uſually employed in any branch of any trade, manufacture or buſineſs carried on within the city of Cork, or county of ſaid city, to appear at any meeting or aſſembly to conſult upon or enter into any rule, agreement, aſſociation, or combination to aſcertain or fix the price of labour or workmanſhip, or make any rule, order or regulation, in any wiſe reſpecting any ſuch trade, manufacture or buſineſs, or the perſons employed or to be employed therein; or ſhall adminiſter, or cauſe to be adminiſtered any oath or declaration to any ſuch manufacturer, &c. tending to fix the price or wages of labour or workmanſhip, or tending to fix upon or make any rule, order, agreement or regulation reſpecting ſuch trade, manufacture, or buſineſs, or the perſons employed or to be employed therein; or ſhall iſſue or cauſe to be iſſued, deliver or cauſe to be delivered, any ticket, certificate, or token (other than and except ſuch ticket or certificate as ſhall or may be delivered by, or by order of the corporation whereof ſuch manufacturer, &c. is or ſhall be a member of any ſuch manufacture, &c. of his being licenſed to work at his or their reſpective trade or trades) or ſhall make or join in making any rule, order, or agreement, or regulation relating to the prices or wages of labour or workmanſhip, or in any particular relating to any part or branch of any ſuch trade, manufacture or buſineſs, or deliver, or cauſe to be delivered to any perſon whatſoever, any ticket, token, printed advertiſement or writing, containing any rule, regulation or agreement entered into by any artificer, journeyman or labourer, in reſpect, touching, or concerning any ſuch trade, manufacture or buſineſs, or ſhall by force, menaces, or otherwiſe hinder or attempt to hinder any ſuch manufacturer, &c. from working at his or their reſpective trade, or at ſuch prices as ſhall be aſcertained, in ſuch manner as is herein ſet forth, with his or their reſpective employers or maſters, or at ſuch particular work as ſuch employers or maſters ſhall direct in their reſpective trades or callings, upon notice or intelligence thereof being given to the mayor, or any one juſtice for ſaid city, it ſhall be lawful for the ſaid mayor or ſuch one juſtice reſpectively to iſſue his warrant under his hand and ſeal to apprehend the perſons charged with all or any one of the aforeſaid offences; and every ſuch perſon being thereof convicted in a ſummary way, before the mayor, or any one juſtice, by the oath of one or more credible witneſſes (which oath the ſaid mayor or juſtice is hereby impowered and required to adminiſter) or by the confeſſion of the perſon charged with ſuch offence, it ſhall be lawful for ſaid mayor, or juſtice, by warrant under hand and ſeal, to commit the perſons ſo convicted to gaol, there to be kept without bail or mainprize for any time not exceeding ſix months; and to order the perſons ſo convicted to be publickly whipped on the next ſucceeding Saturday after ſuch conviction, and alſo to be whipped a ſecond and third time on the then next ſucceeding Saturdays, if ſaid mayor or juſtice ſhall think proper to order, that ſuch perſon ſhall be whipped more than once at ſome publick place, or through ſuch publick ſtreets or lanes within ſaid city, or county of ſaid city, as ſaid mayor or juſtice ſhall in his diſcretion direct; and every ſuch perſon ſhall before diſcharged from ſuch confinement, enter into and be bound in a recognizance in a ſum not exceeding forty pounds before the mayor or any other juſtice of ſaid city, with or without ſureties for ſuch perſons being of the good behaviour, and keeping the peace to all ſubjects, for any term not exceeding ſeven years.

V. *ſect.*

V. *ſect.* 41. If any ſuch manufacturer, artificer, journeyman, apprentice, or labourer, ſhall take an oath, or enter into any combination or agreement to aſcertain or fix the price of wages or labour or workmanſhip, or to make any rule, order, agreement, or regulation, reſpecting their reſpective trades, manufacture, or buſineſs, or under any pretence whatſoever not to work for any particular maſter or employers, upon notice or intelligence thereof, though not upon oath, being given to ſaid mayor or any one juſtice for ſaid city, it ſhall be lawful for ſaid mayor or juſtice reſpectively to iſſue his warrant under hand and ſeal to apprehend the perſon charged with all or any of ſaid offences; and every ſuch perſon being convicted in a ſummary way before ſaid mayor or any juſtice, upon the oath of one or more credible witneſſes (which oath the mayor or juſtice is impowered and required to adminiſter) or by confeſſion, it ſhall be lawful for ſaid mayor or juſtice by warrant under hand and ſeal to commit to gaol, there kept without bail or mainprize for any time not exceeding ſix months, and alſo to order the perſon to be publickly whipped once, or oftener at his diſcretion, as aforeſaid, at ſome publick place, or through ſuch publick ſtreets or lanes within ſaid city or county of ſaid city; and every ſuch perſon ſhall, before diſcharged from ſuch confinement, enter into and be bound in a recognizance, not exceeding forty pounds, before ſaid mayor or other juſtice, with or without ſureties for being of good behaviour, and keeping the peace to all ſubjects, for any term not exceeding ſeven years.

Artificer, &c. taking oath or combining to fix price of labour, &c.

on conviction before mayor or one juſtice on oath of one witneſs imprifoned, and whipped, bound in recognizance 40l.

VI. *ſect.* 42. If any manufacturer, artificer, journeyman, or labourer uſually employed in any trade or manufacture within the city or county of the city of Cork, not having any other viſible livelihood beſides the trade, buſineſs, occupation or calling to which he ſhall belong, and not being in the actual ſervice of any maſter or employer, on application made to him by any maſter or employer, in the trade or buſineſs to which ſuch manufacturer, &c. belong, refuſe or neglect ſeven days after ſuch application to work with the perſon making application at the prices herein after aſcertained, or in caſe any ſuch manufacturer, &c. being engaged with any maſter or employer in any ſuch buſineſs, ſhall after ſuch engagement, and during the time of which he ſhall be ſo engaged, refuſe to work, or not work on being required in or at any particular branch of the buſineſs he ſhall be ſo engaged for, and in ſuch uſual and reaſonable manner as his maſter or employer ſhall direct, every ſuch perſon ſo offending, and convicted in a ſummary way before ſaid mayor, or one juſtice, by the oath of the perſon making ſuch application, or of any other witneſs or witneſſes (which oath ſuch mayor or juſtice is hereby authorized to adminiſter) or by confeſſion of the perſon charged with ſuch refuſal, without ſufficient cauſe, upon oath, to the ſatisfaction of ſuch mayor or juſtice, for ſuch refuſal, it ſhall be lawful for ſuch mayor or juſtice by warrant under hand and ſeal to commit to gaol, there to be kept without bail or mainprize not exceeding three months, and alſo to order, to be once or oftener, as aforeſaid, at the diſcretion of ſaid mayor or juſtices, publickly whipped; and every ſuch perſon ſhall, before diſcharged from ſuch confinement, enter into and be bound in a recognizance, not exceeding forty pounds, before the mayor or other juſtice, with or without ſureties for being of the good behaviour, and keeping the peace to all ſubjects, not exceeding ſeven years.

Artificers, &c. refuſing application 7 days, having no other calling or ſervice, or not working after engagement, committed three months, and whipped, and 40l. recognizance.

VII. *ſect.* 43. It ſhall be lawful for the court of general quarter ſeſſions of the peace for ſaid city, and county of ſaid city, the recorder or deputy being preſent, yearly at every Eaſter ſeſſions to aſcertain what wages or ſum of money, every maſon, carpenter, ſlator, cooper, or other artificer, ſhall

Wages ſettled at Eaſter ſeſſions, recorder preſent.

ſhall take, and be paid by the day, or by the certain denomination, piece, or parcel of work or job, either with or without meat and drink, during the year following; and all the ſaid artificers take and receive ſuch wages and ſums of money, and no more, on pain of forfeiting any ſum of money or thing they ſhall take to the contrary, one half to the governors of ſaid work-houſe, for uſe of ſaid work-houſe, and the other to the proſecutor, and to be impriſoned at diſcretion of ſaid court, not exceeding three months, upon conviction in a ſummary way at ſaid court, or any adjournment, by oath of one or more witneſſes, which oath ſaid court is authorized to adminiſter, or by confeſſion of the offender.

more taken forfeited to work-houſe and proſecutor, and impriſoned three months.

VIII. *ſect.* 44. Said court ſhall not aſcertain the wages of ſuch artificers at a lower rate or ſum than the accuſtomed prices uſually paid in ſaid city to ſuch artificers reſpectively.

Wages not lower than uſual prices.

IX. *ſect.* 45. Every perſon, who ſhall employ ſaid artificers, or any of them, ſhall pay ſuch artificers reſpectively the wages and ſums of money, ſo aſcertained; and in default thereof, every artificer, from whom ſuch wages and ſums withheld, ſhall be intitled to recover double the value; to be recovered, if to the amount of forty ſhillings, or under, in a ſummary way in the court of conſcience in ſaid city, upon the oath or oaths of one or more witneſſes; and if above forty ſhillings by civil bill at next aſſizes for the county of ſaid city.

Wages paid, or double value.

X. *ſect.* 46. The order of quarter-ſeſſions, certified by the town-clerk, ſhall be concluſive evidence of ſaid ſeveral rates and wages.

Order certified concluſive evidence of wages.

XI. *ſect.* 47. In caſe any perſons, to the number of ſeven or more, not legally authorized, ſhall riotouſly and tumultuouſly aſſemble together within ſaid city, or county of ſaid city, and not diſperſe within one hour after reading this clauſe of this act, by the mayor or either of the ſheriffs, or any other juſtice of ſaid city; or in caſe any perſon or perſons ſhall hinder, or attempt to hinder, ſaid mayor, or either of the ſheriffs, or any one juſtice, from reading this clauſe to the perſons ſo aſſembled; or in caſe any perſons, to the number of ſeven or more, ſo aſſembled, ſhall by force enter, or attempt to enter the dwelling houſe, ware-houſe, ſhop, cellar, yard, loft, linney, or building of any inhabitant of ſaid city, or county of ſaid city, without conſent of poſſeſſor, and lawful authority, or ſhall by force enter, or attempt to enter any ſhip, lighter, boat, bark, or veſſel, lying at any of the quays of ſaid city, or at any other place in the river, or within the harbour of ſaid city, without lawful authority, being thereof convicted in a ſummary way, by oath of one or more witneſſes, before the mayor or any juſtice, (which oath ſaid mayor, or any juſtice are reſpectively impowered and required to adminiſter) or by confeſſion of the party, every perſon offending herein ſhall ſuffer impriſonment, not exceeding ſix months, without bail or mainprize, and be once or oftner, at diſcretion of ſaid mayor or juſtice, publickly whipped in manner before mentioned; and every ſuch perſon ſhall, before diſcharged from ſuch confinement, enter into and be bound in a recognizance not exceeding forty pounds, before the mayor or other juſtice, with or without ſureties, for being of the good behaviour, and keeping the peace to all ſubjects, not exceeding ſeven years.

7 riotouſly aſſembling, and not diſperſing after reading this clauſe, or hindering the reading, or by force entering houſes, ſhips, &c.

impriſoned 6 months and whipped, and 40l. recognizance.

XII. *ſect.* 48. After the firſt of July 1772, it ſhall be lawful for ſaid mayor, or any other juſtice of the county of the city, upon affidavit made before him, that it is ſuſpected there is or has been any combination or unlawful aſſembly in ſaid city, or county thereof, to ſummon any perſon or perſons charged or ſuſpected with being concerned in ſuch unlawful aſſembly or combination,

Summons on affidavit of ſuſpicion of unlawful aſſembly or combination,

tion, and to adminiſter an oath to ſuch, as ſuch mayor or juſtice in his diſcretion ſhall think fit; and every ſuch perſon ſhall ſwear to anſwer all ſuch queſtions as ſhall be demanded of him, touching ſuch combinations or unlawful aſſemblies, and ſhall diſcover the names and places of abode, to the beſt of his, her, or their knowledge and belief, of the ſeveral perſons who have acted or been concerned in any ſuch combination or unlawful aſſemblies, and ſhall anſwer all ſuch other queſtions concerning all ſuch unlawful aſſemblies or combinations, as ſhall be propoſed by ſuch mayor or juſtice, and ſhall not, by any plea or demurrer, cover or conceal the ſame; and ſuch examination ſhall be reduced into writing, and ſigned by the mayor, or ſuch juſtice, before whom the ſame are taken, and by the party or parties ſo examined.

and oath tendered, diſcovery, examination in writing and ſigned.

XIII. *ſect.* 49. Such examination ſhall never afterwards upon any occaſion whatever be allowed to be given as evidence to charge the perſon ſo giving the ſame.

Not given in evidence after to charge the party.

XIV. *ſect.* 50. Such perſons ſo examined ſhall be bound by recognizance, not exceeding twenty pounds, to appear at ſuch time and place within ſaid city, as ſpecified in ſuch recognizance, and to proſecute before ſaid mayor or juſtice, in the ſummary manner before ſet forth, the perſon or perſons mentioned in ſuch examination to have been concerned in ſuch unlawful aſſemblies or combinations; and in caſe any ſuch perſon ſo ſummoned ſhall neglect or refuſe to appear before ſuch mayor or other juſtice purſuant to ſaid ſummons, or to take ſuch oaths as aforeſaid, or to give teſtimony, and be examined in manner aforeſaid, or to ſign ſuch examination, or to enter into ſuch recognizance, ſaid mayor or juſtice ſhall iſſue warrant or warrants, and cauſe ſuch perſons to be impriſoned in the city gaol not exceeding three months, or be ſent to bridewell, or the houſe of correction, there kept to hard labour for one month; and in caſe ſuch perſon ſo examined ſhall neglect or refuſe to give teſtimony, at the time and place at which they ſhall be bound to appear, the mayor or juſtice ſhall reſpectively forthwith upon ſuch default or refuſal iſſue his warrant or warrants to apprehend and detain in execution in the city gaol of Cork, the body or bodies of the perſons making ſuch default, or refuſing to give, until they ſhall pay and ſatisfy the penalty of the reſpective recognizances, to be applied and paid over to the governors of the work-houſe, for uſe of the ſaid work-houſe.

20l. to appear and proſecute, on refuſal impriſoned not above three months, or bridewell one month, refuſing teſtimony detained 'till penalty ſatisfied, to the work-houſe.

XV. *ſect.* 51. Upon any ſuch examination or affidavit being given or made, it ſhall be lawful for the ſaid mayor, or ſuch juſtice, to iſſue his warrant to apprehend each of the perſons accuſed, and to bind him in a recognizance of forty pounds, with or without ſureties, if not immediately proſecuted, to appear at ſuch time and place within ſaid city, as ſpecified in ſuch recognizance, to anſwer ſuch matters as ſhall be alledged againſt him in and by ſuch affidavit or examination; and in caſe the perſon ſo accuſed ſhall neglect or refuſe to appear at ſuch time and place, it ſhall be lawful for ſaid mayor or other juſtice to iſſue his warrant under hand and ſeal to apprehend and detain in execution in the city gaol, the body of the perſon ſo accuſed, and the bodies of his ſecurities, until he and the ſaid ſecurities ſhall pay and ſatisfy the penalties of their ſaid recognizance, to be applied and paid over to the governors of the work-houſe, for uſe of ſaid work-houſe; and in caſe the perſon ſo accuſed and apprehended cannot procure ſufficient ſecurity for his appearance, it ſhall be lawful for ſaid mayor or juſtice to commit him to gaol until ſuch complaint ſhall be enquired into, heard and determined in manner before ſet forth.

On examination or affidavit, apprehended and bound in 40l. recognizance to appear and anſwer. on default impriſoned 'till payment, for the work-houſe, if no ſecurity, 'till complaint heard.

In 3 days or diſcharged.

XVI. *ſect.* 52. When the perſon ſo accuſed committed to gaol, ſuch complaint ſhall be heard within three days from the time of commitment, otherwiſe diſcharged.

Proſecutors exculpated.

XVII. *ſect.* 53. Such perſons as ſhall give teſtimony againſt ſuch offenders to conviction, ſhall for ever be diſcharged and exculpated from all puniſhments which they or any of them may be liable to, for, or on account of being concerned in ſuch unlawful combinations mentioned in their teſtimony, and for which ſuch offenders ſo convicted.

A publick act.

XVIII. *ſect.* 59. This act ſhall in all courts and places be deemed and taken to be a publick act, and judicially taken notice of by all judges, juſtices, and courts whatſoever, without ſpecially pleading the ſame; and if any replevin brought for any diſtreſs taken purſuant to this act, and if any perſon ſued for any thing done by virtue and in purſuance of this act, the defendant in ſuch replevin, and ſuch perſon ſued, may plead the general iſſue and give this act and the ſpecial matter in evidence for defence; and if plaintiff ſhall diſcontinue, or be nonſuited, or if judgment againſt him, on verdict or demurrer, the defendant ſhall recover double coſts of ſuit.

general iſſue,

double coſts on nonſuit, &c.

Cork, Markets.

I. Stat. 5 Geo. 3. cap. 24. ſect. 46. *Whereas the city of Cork is greatly encreaſed in the number of houſes and inhabitants, inſomuch that the mayor of the ſaid city cannot ſo ſtrictly attend the inſpection of the markets of the ſaid city as uſual, and do the other requiſite duties of his office*; it is therefore enacted, that the juſtices of the peace for the county of the ſaid city, at the time of their iſſuing their precept to the ſheriffs of the county of the ſaid city, for holding the general quarter ſeſſions of the peace for the county of ſaid city, ſhall from time to time iſſue alſo a precept to the ſaid ſheriffs, requiring them to return to the ſaid juſtices at the ſaid ſeſſions, twenty four of the citizens of the ſaid city, twelve of whom to be ſworn as a market jury for the ſaid city; and the ſaid ſheriffs are hereby required to ſummon, and to return twenty four citizens of the ſaid city for the purpoſe aforeſaid.

Precept to the ſheriffs,

return of a market jury.

Jury to be ſworn,

II. *ſect.* 47. And the ſaid juſtices ſhall cauſe the ſaid market jury to be ſworn in open court at the ſaid ſeſſions, one by one, to wit, that he will well, truly and diligently execute the office of a market juror of the ſaid city, without favour or affection, malice or ill will to any perſon or perſons whatſoever.

Viſiting the markets.

III. *ſect.* 48. And the ſaid market jury for the time being, or any three of them, are hereby required at ſeaſonable hours to viſit the markets, ſtore-houſes, working-houſes, cellars and ſhops in the ſaid city, where proviſions and victuals are ſold or made up, or making up for ſale in the ſaid city, and to inſpect the quality of the ſaid proviſions and victuals.

Unwholeſome proviſions,

foreſtallers, &c.

ſeizure of proviſions.

IV. *ſect.* 49. And in caſe the ſaid jury, or any three of them, ſhall find any unwholeſome or bad proviſions or victuals, or any proviſions or victuals fraudulently or illegally made up, or proviſions or victuals in the hands of any foreſtaller, regrator or engroſſer, in every ſuch caſe, the ſaid jury, or any three of them, are hereby impowered to ſeize the ſaid proviſions or victuals, and the perſons expoſing the ſame to ſale, or claiming to be the owners thereof, and to carry the ſaid proviſions and victuals, and the ſaid perſons before the mayor of the ſaid city, who is hereby impowered to

diſpoſe

diſpoſe of the ſaid proviſions and victuals, and of the ſaid perſons, according to law.

V. *ſect.* 50. And each market jury ſo ſworn, or any three of them, ſhall have full power and authority to execute the ſaid office of a market jury, from the time of their being ſworn, until the next market jury ſhall be ſworn, at the enſuing general quarter ſeſſions of the peace to be held for the county of the ſaid city. Power of the market jury.

VI. *ſect.* 51. And if any perſon, being duly ſummoned and returned by the ſaid ſheriffs to ſerve as a market juror ſhall refuſe, neglect or omit to appear, purſuant to the ſaid ſummons, and take the oath aforeſaid, or ſhall neglect or refuſe to execute the ſaid office, it ſhall be lawful for the ſaid juſtices at their ſeſſions, and they are hereby impowered to impoſe a fine, not exceeding ten pounds, on every ſuch perſon; and the mayor of the ſaid city is hereby required to iſſue his warrant for the levying the ſaid fine by diſtreſs and ſale of the goods and chattles of the ſaid perſons, and to pay over the ſums ſo levied, to the governors of the work-houſe of the ſaid city of Cork, for the uſe of the ſaid work-houſe. Refuſal of perſons returned, fine not exceeding ten pounds, to the work houſe.

VII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 33. It ſhall be lawful for each of the market jury to execute the office to all intents and purpoſes as fully and effectually, as any three or more of the ſaid market jury might or could do by virtue of the recited act of parliament. Each of the market jury may execute the office as by 5 G. 3. c. 24. ſ. 15.

VIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 38. *ſect.* 10. Mayor of ſaid city impowered to provide two ſufficient yards or market places, one in the ſouth ſuburbs, the other in the north, with proper ſcales, beams and weights for ſelling hay and ſtraw by weight; and that no hay or ſtraw ſhall be ſold in ſaid city or ſuburbs except by weight, under penalty of five ſhillings on ſeller, recovered in ſummary way before the mayor or any of aldermen of ſaid city, according to the ſummary juriſdiction eſtabliſhed in ſaid city, by the firſt perſons who ſhall ſue; and no ſtraw ſhall be made up in a bundle of leſs weight than ſeven pounds, under a penalty of one Engliſh ſhilling on ſeller, to be paid to the firſt perſon who ſhall ſue, and recovered in manner aforeſaid; and if any perſon expoſe to ſale in ſaid city or ſuburbs hay or ſtraw mixed with dirt, ſtones or gravel, or made wet to increaſe the weight, ſuch perſon ſhall forfeit ſuch hay or ſtraw, and incur beſides the ſaid penalty of five ſhillings, to be determined in the ſummary way aforeſaid, and to go to the firſt perſon who ſhall ſue. A market in north and ſouth ſuburbs with ſcales, &c. for hay and ſtraw ſold by weight only; penalty 5s. no bundle of ſtraw leſs than 7lb. penalty 1s. mixed with dirt, &c. or wet to increaſe weight, forfeited, and 5s.

Cork, Preſentments.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 15. All ſuch money, which ſhall be preſented to be raiſed by grand juries at the ſeveral aſſizes for the county of the city of Cork, as would according to the laws now in force be applotted and raiſed upon the inhabitants of ſaid city and ſuburbs, according to their ſubſtance or reputed circumſtances, ſhall, after the firſt of July next, be levied upon and paid by the tenants, owners, and occupiers of the houſes, out-houſes, offices, cellars, ſtables, yards, and linneys in ſaid city and ſuburbs, rateably and in proportion to the valuations made. Preſentment levied and paid in proportion to valuations.

Treaſurer in a month from laſt day of aſſizes to iſſue warrants to conſtables to collect preſentments,

II. *ſect.* 16. The treaſurer of the county of ſaid city, ſhall with all convenient ſpeed after the end of every aſſizes for the county of ſaid city, or at the fartheſt within one calendar month, computed from the laſt day of each of the ſaid aſſizes, iſſue his warrants under hand and ſeal, directed to the ſeveral conſtables of the ſeveral pariſhes, quarters, and diſtricts in ſaid city and ſuburbs, for the collecting and levying ſuch part of the money preſented to be raiſed at the then next preceding aſſizes, as heretofore would have been collected from and levied on the inhabitants of ſaid city and ſuburbs, according to their circumſtances, or reputed circumſtances; and in ſaid reſpective warrants ſhall be mentioned the proportion of ſaid money that each of the ſaid tenants, occupiers, or owners ſhall be liable to for his dwelling houſe or houſes, out-houſes, offices, cellars, ſtables, linneys, and yards; and the ſaid conſtables are hereby impowered, authorized, and required to receive from the tenants, occupiers, or owners, the ſums proportioned in the ſaid warrants on them reſpectively: and in caſe of non-payment for two days after demand made by ſaid conſtables, or any of them, on the reſpective tenants, occupiers, or owners for the payment of their reſpective proportions of ſaid money, it ſhall be lawful for ſaid conſtables reſpectively to enter into and upon the ſaid dwelling-houſes, out-houſes, offices, cellars, ſtables, linneys, and yards reſpectively, and diſtrain any goods or chattles, that may be found upon the ſame, for the proportion of the ſaid money ſo charged on them reſpectively; and the diſtreſs or diſtreſſes ſo taken (if not redeemed in two days from the day of diſtraining, with the payment alſo of an Engliſh ſhilling for the trouble of ſuch diſtraining) to ſell by publick cant for payment of ſaid money, for which ſuch diſtreſs or diſtreſſes ſhall be ſo taken, together with one ſhilling for the trouble of ſuch diſtraining, rendering the overplus (if any) to the owner or owners; and in caſe no ſufficient diſtreſs can be had or found, or in caſe the premiſſes liable ſo to be diſtrained, ſhall be kept locked or faſtened, ſo as that the conſtables ſhall be prevented from entering and diſtraining, it ſhall be lawful for the treaſurer to ſummon the tenants, occupiers, or owners to appear before the mayor, or any of the aldermen of the ward of the ſaid city, for the payment of the money ſo charged on the ſaid premiſſes ſo locked or faſtened up; and in caſe of non-appearance of the parties ſo ſummoned, and proof by oath or affidavit before the ſaid mayor or aldermen reſpectively, of ſuch parties having been ſummoned, (which oath or affidavit the ſaid mayor and aldermen are hereby reſpectively authorized to adminiſter) or in caſe of the appearance of ſuch parties, and refuſing to pay the money ſo due on the premiſſes ſo guarded, locked, or faſtened up, and to which ſuch party or parties ſhall be tenants, occupiers, or owners, together with four pence for the coſts of ſuch ſummons, it ſhall be lawful for ſaid mayor, or alderman of the ward, who granted ſaid ſummons, to iſſue a warrant under hand and ſeal, in the nature of an execution, directed to the conſtables of the county of ſaid city, or any one or more, or to ſome ſpecial conſtable appointed for that purpoſe, to levy off the goods and chattles of the parties ſo ſummoned, their proportion of the ſaid money, together with the ſum of ten pence for coſt of ſaid ſummons and warrant, and the further ſum of one Engliſh ſhilling for the conſtables trouble for levying ſaid money, and the ſaid money ſo levied ſhall be paid immediately on the levying to the ſaid treaſurer by the conſtable who ſhall levy the ſame, together with ſaid ten pence, and the ſaid treaſurer ſhall pay over

mentioning the proportion,

on non-payment 2 days after demand conſtables may enter and diſtrain, and ſell if not redeemed in 2 days,

if no ſufficient diſtreſs, or locked or faſtened, ſummons by treaſurer before mayor or any of the aldermen of the ward,

on default or refuſal warrant to conſtables or a ſpecial conſtable to levy,

10d. coſt, 1s. Engliſh for levying.

over ſaid ten pence to ſaid mayor, or alderman, that ſhall have iſſued ſaid ſummons and warrant.

No owner liable, where yearly tenant in poſſeſſion.

III. *ſect.* 17. No owner liable to be ſummoned, or to pay any part of ſaid money, when there is an actual yearly tenant in poſſeſſion of the premiſſes out of which the ſaid money is refuſed or neglected to be paid.

Lands in north and ſouth liberties charged as heretofore.

IV. *ſect.* 18. Nothing herein contained ſhall be conſtrued, deemed, or taken to exempt the lands in the north and ſouth liberties of the city of Cork from paying or being charged with their proportion of the money to be preſented to be raiſed at the ſeveral aſſizes for the county of ſaid city, but ſaid lands ſhall pay and be charged with their proportion of ſuch money, in ſuch manner, and according to ſuch rate and computation as heretofore, any thing in this act to the contrary notwithſtanding.

Perſons diſtrained for the whole tax on plowland, &c. ſhall recover dividend from the reſt by civil bill, if above 40s. or before mayor or alderman if under, with coſts.

V. *ſect.* 19. And whereas the lands in ſaid north liberties of the city, are compriſed in the county books, by the plowland, half plowland, and quarter plowland, with particular appellations to each; and whereas the conſtables are often obliged to diſtrain ſome one particular denomination of each for the entire acreable tax or charge impoſed: the perſon or perſons who ſhall be diſtrained for, and ſhall pay the whole of ſuch tax or charge ſo impoſed on the ſaid plowland, half plowland, or quarter plowland, ſhall be intitled to receive from the other tenants, or occupiers, his, her, or their dividend of the ſaid acreable tax or charge, according to the number of the ſtatute acres that he, ſhe, or they ſhall hold, poſſeſs, or enjoy, and ſhall recover the ſame from ſuch perſon or perſons, in caſe of refuſal of payment, by civil bill, at the aſſizes for the county of ſaid city, if above forty ſhillings, or before the mayor, or one of the aldermen of the ward, if under forty ſhillings, according to the ſummary juriſdiction eſtabliſhed by act of parliament in the ſaid city, together with reaſonable coſts of ſuit.

10 guineas preſentment to coroners each aſſizes.

VI. *ſect.* 54. It ſhall be lawful for the grand jury at each aſſizes in every year for the county of ſaid city, to preſent along with other publick money ten guineas, to be raiſed along with ſuch other publick money, and to be paid to the coroners of the county of ſaid city, for half a year's ſalary, ending at ſaid reſpective aſſizes.

30l. to clerk of crown.

VII. *ſect.* 55. It ſhall be lawful for the grand jury at each aſſizes in every year for the county of ſaid city, to preſent along with other publick money, thirty pounds, to be raiſed along with ſuch other publick money, and paid to the clerk of crown of the county of ſaid city, for his trouble in attending and executing ſaid office at ſaid aſſizes.

Preſentment for covering canals or docks, the judge may fiat.

VIII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 17. It ſhall be lawful for grand juries of county of city of Cork at aſſizes for ſaid city to make preſentments for covering over by arches or otherwiſe, ſuch canals or docks, the covering of which ſhall appear for publick convenience and advantage of ſaid city, in ſame manner as preſentments for repair of high roads; and it ſhall be lawful for the judge of aſſize if he think proper, from time to time, to fiat ſuch preſentments.

Cork, Quays, &c.

Parapet walls or rails.

I. *Stat.* 3 *Geo.* 3. *cap.* 17. *ſect.* 62. Whereas it is of the utmoſt conſequence to the city of Cork, and will conduce to preſerve the lives of many of the inhabitants thereof, and of others reſorting thereto, that a parapet wall or rails

be

be built or erected on the ſeveral quays and on the edges of the ſeveral dykes and canals therein, and in the ſuburbs thereof, as great numbers of perſons have loſt their lives by falling over the ſaid quays, and horſes and carriages have fallen into the ſaid dykes and canals: it ſhall be lawful for the mayor and council of the city of Cork, to order and direct the building of parapet walls of the height of four feet, and breadth not exceeding two feet, on the ſeveral quays, and on the edges of the ſeveral dykes and canals of the ſaid city and ſuburbs, leaving proper openings convenient for the ſhipping and landing goods and merchandize, by giving notice in writing to the chief tenants, inhabiting or dwelling in the ſeveral houſes, or occupying the cellars and other buildings on the ſaid quays and dykes, or in caſe the ſaid houſes be waſte, or any part of the ground fronting the ſaid quays, canals, or dykes be unbuilt, to the owner or other perſon intereſted therein, before whoſe tenements or ground ſuch parapet wall is to be built; and upon ſuch notice every chief tenant inhabiting or dwelling in every ſuch houſe, or occupying ſuch cellars or other buildings, and the owners or other perſons intereſted in ſuch waſte houſes or ground unbuilt, ſhall within two months after ſuch notice given, build a parapet wall of the dimenſions aforeſaid, with ſtone or brick, and lime and ſand, along the edge of the ſaid quays or dykes, fronting their reſpective houſes and concerns, and if the ſame are ſituate on the corners of any of the ſaid quays, round ſuch corners as far as their reſpective houſes, cellars, buildings or waſte ground extend and run, and to no further extent, leaving ſuch openings as aforeſaid, if neceſſary; and every ſuch tenant and occupier of ſuch houſe, cellar or other building, or owner or other perſon intereſted in any ſuch waſte houſe, or ground unbuilt, before whoſe premiſſes any ſuch opening ſhall be left, ſhall always, except in times of ſhipping or landing goods there, keep ſuch opening guarded by two wooden rails or iron bars, to extend acroſs ſuch opening in the ſaid parapet wall on each ſide.

mayor, &c. to direct the building, on the quays and canals,

notice to the tenants, &c.

waſte-houſes, ground unbuilt,

ſhall build in two months, &c.

openings where neceſſary,

guarded by rails or iron bars.

II. *ſect.* 63. Provided, that if any of the ſaid inhabitants, owners, or occupiers of houſes or other premiſſes, ſhall think fit to erect iron rails on the edges of the ſaid quays, before their houſes or tenements, of the height of four feet, that it ſhall be lawful and ſufficient for them ſo to do.

Iron rails inſtead of walls, four feet high.

III. *ſect.* 64. And in caſe any chief tenant or occupier of any ſuch houſe, cellar, or other building, or the owner or other perſon intereſted in any ſuch waſte houſe or plot of ground unbuilt, ſhall neglect or refuſe by the ſpace of two months after notice given in writing to build ſuch parapet wall in manner herein before directed, or to erect and fix ſuch rails as aforeſaid, inſtead thereof, every ſuch perſon ſhall forfeit twenty ſhillings for every ſpace of twenty one feet of ſuch wall that ſhall be ſo omitted to be built, and the like ſum for every month afterwards that the ſame ſhall be ſo omitted, and ſo in proportion for any other leſs ſpace of time, or of ground; ſuch penalty to be recovered before the mayor of the ſaid city, by the oath of one witneſs, or by the confeſſion of the party, and upon conviction, to be levied by diſtreſs and ſale of the offenders goods, or of the goods of any perſon found in or upon the houſes, cellars, buildings or ground before which ſuch walls ſhall be ſo neglected to be built, by warrant under the hand and ſeal of the ſaid mayor, which warrant he is hereby impowered to grant, and to be to the uſe of the poor of the pariſh in which the ſaid offence ſhall be committed.

Tenants or owners neglecting to build,

forfeit twenty ſhillings a perch, for every month,

to be levied by diſtreſs,

to the uſe of the poor.

IV. *ſect.* 65. And over and above the ſaid penalty, it ſhall be lawful to and for the ſaid mayor to provide materials, and employ and ſet maſons to work, to build and finiſh ſuch parapet wall as aforeſaid, and thereupon ſhall compel

Mayor may provide materials, &c.

compel the chief tenant in ſuch houſes, and the occupiers of ſuch cellars or other buildings, and the owner or other perſon intereſted in ſuch waſte houſe or ground unbuilt reſpectively, to pay the reaſonable price for building ſuch parapet wall, and the materials thereof, by iſſuing his warrant for levying the ſame by diſtreſs, and cauſing ſo much of the offenders goods, or the goods of any perſon found in or upon the houſes, cellars, other buildings, or ground before which ſuch walls ſhall be ſo neglected to be raiſed, to be ſold, as will pay for the ſame; and if any perſon, before whoſe premiſſes any ſuch opening ſhall be left, ſhall neglect or refuſe to keep the ſame guarded with two wooden rails as aforeſaid, except at times of ſhipping or landing goods there, every perſon ſo offending, ſhall for every ſuch offence forfeit five ſhillings, to be recovered and applied in manner aforeſaid.

warrant to levy payment,

neglecting to guard openings,

forfeit five ſhillings.

V. *ſect.* 66. Provided that if any ſuch chief tenant, inhabiting or occupying any ſuch waſte ground as aforeſaid, be only a tenant at will, or a yearly tenant of the ſame, or if no more than two years of his leaſe or intereſt be unexpired, that in every ſuch caſe ſuch tenants at will, or yearly tenant, or tenant for two years, ſhall and may retain in his or her hands out of the rent then due, or to be afterwards due, from him to his next immediate landlord, ſo much of ſuch rent as will be ſufficient to reimburſe him the money expended on his part of the ſaid parapet wall, and in caſe the perſons who ſhall build any ſuch parapet wall at the time the ſame ſhall be compleated, ſhall have in the houſe, houſes, or other premiſſes, or belonging to which ſuch wall ſhall be built, an intereſt exceeding two years, and not leſs than five years, that in ſuch caſe ſuch perſons ſhall retain three fourths of the expence of raiſing ſuch wall; and in caſe of an intereſt not exceeding five years, and not leſs than ten years, or one life, then ſuch perſons may retain one half of the expence, and in caſe of an intereſt exceeding ten years, and not leſs than fourteen years, or two lives, that ſuch perſons may retain one fourth of the expence from the next immediate landlord, and every immediate landlord from whom there ſhall be any ſuch retainer, and all other landlords ſhall reſpectively retain from their next immediate landlords, in ſuch proportions as aforeſaid, relation being had to the duration of their ſeveral and reſpective intereſts at the time of ſuch wall being finiſhed and compleated, and that every perſon intitled to make any ſuch retainer in virtue of this act, ſhall and may plead ſuch retainer in bar for ſo much to any action, or other remedy brought by the ſaid landlord againſt him for the recovery of rent, or otherwiſe avail himſelf thereof as if he had actually paid the ſame in money.

Tenants at will, or for one year, &c.

may retain out of his rent, &c.

intereſt exceeding two years, ten years or one life,

fourteen years, or two lives,

retainer by landlords in proportion,

plea in bar of action, &c.

VI. *ſect.* 67. If any perſons ſhall break or pull down the ſaid parapet wall, or any part thereof, or pull any ſtones out of the ſame, every perſon ſo offending, ſhall, for every ſuch offence, forfeit five ſhillings, to be levied and applied as aforeſaid, and if no goods of the offender can be found, they ſhall be ſent to the houſe of correction, there to be kept to hard labour by the ſpace of three days.

Breaking walls, penalty of five ſhillings, &c.

VII. *ſect.* 68. If any perſon ſhall, in the night time, ſteal and carry away, or otherwiſe deſtroy or pull from its fixture, any iron rails that ſhall be fixed on any of the ſaid quays, or any wooden rails or iron bars, to be fixed in the openings to be left in the ſaid wall, or any lock or irons for faſtening ſticks, rails, every perſon offending, ſhall upon conviction be adjudged guilty of felony, and ſhall either be tranſported for ſeven years, or burned

Stealing rails by night, felony and tranſportation, &c.

in

in the hand, or publickly whipt, at the diſcretion of the judge who ſhall try ſuch offender.

VIII. *Stat.* 5 *Geo.* 3. *cap.* 24. *ſect.* 33. And whereas doubts have ariſen, whether the mayor and council of the ſaid city of Cork, are authorized under the act of parliament 3 Geo. 3. *to compel any perſon to repair or rebuild the parapet walls of the quays, dykes, or canals of the ſaid city, or to build any parapet walls oppoſite to the ends of ſtreets, lanes or paſſages leading to the ſaid quays, dykes, or canals*, it is enacted, that as often as any of the ſaid parapet walls ſhall be broken down, or out of repair, it ſhall be lawful for the ſaid mayor and council, from time to time to compel the ſame perſons, who by the ſaid recited act were compellable to build the ſaid walls, to rebuild and repair them in the ſame manner and time, and to the ſame height and dimenſions, as by the ſaid recited act the ſaid perſons were compellable to build them, with like power to the ſaid mayor, in caſe the ſaid perſons ſhall neglect or refuſe to rebuild or repair the ſaid walls, as by the ſaid recited act is given to the ſaid mayor, in caſe any of the perſons ſhall neglect or refuſe to build the ſaid parapet walls, and with like forfeiture on ſuch perſons ſo neglecting or refuſing; to be recovered and applied in the like manner, as in the ſaid recited act is ſet forth, with reſpect to perſons neglecting or refuſing to build the ſaid walls.

Parapet walls broken down,

neglecting to rebuild.

IX. *ſect.* 34. And it ſhall be lawful for the ſaid mayor and council to compel the occupiers of the corner houſes, cellars, or yards (or in caſe the ſame be waſte) to compel the owners thereof, at the next adjoining end of any ſtreet, lane, or paſſage leading to any quay, dyke or canal in the ſaid city of Cork, or in the ſuburbs thereof, to build, rebuild, and repair parapet walls oppoſite to the ends of the ſaid ſtreets, lanes and paſſages, in the ſame manner and time, and to the ſame height and dimenſions as the parapet walls in the ſaid recited act mentioned, are to be built, and with like power to the ſaid mayor, in caſe the ſaid reſpective occupiers and owners, or any of them, ſhall neglect or refuſe to build, rebuild, or repair the ſaid laſt mentioned parapet walls, as by the ſaid recited act is given to the ſaid mayor with reſpect to perſons refuſing or neglecting to build the parapet walls therein mentioned, with like forfeitures on ſuch perſons ſo neglecting or refuſing, to be recovered and applied in like manner, and with ſuch privilege of retainer of rent to yearly tenants and tenants at will, as in the ſaid recited act is ſet forth with reſpect to perſons neglecting or refuſing to build the parapet walls in the ſaid recited act mentioned.

Occupiers of corner houſes,

walls at the ends of ſtreets,

refuſal to build or repair.

Cork, Recorder.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 34. The recorder or deputy recorder of ſaid city, being a barriſter, ſhall, after the firſt of July next, have full power and authority to hold the court of record in abſence of the mayor and ſheriffs of ſaid city, or any of them, as fully and effectually to all intents and purpoſes as if held before ſaid mayor and ſheriffs; and that all acts done in ſaid court of record, before ſaid recorder or deputy, ſhall be deemed and taken as if done before ſaid mayor and ſheriffs in ſaid court of record.

Recorder or deputy, a barriſter, may hold court of record in abſence of mayor and ſheriffs.

II. *ſect.*

II. *ſect.* 35. It ſhall be lawful for the mayor and ſheriffs of ſaid city, and recorder or deputy, as they happen reſpectively to preſide in ſaid court of record, to adjourn ſaid court from day to day, or to ſuch day or days as they ſhall reſpectively ſee expedient, for the diſpatch of the buſineſs of ſaid court of record, any cuſtom, law, or uſage to the contrary in any wiſe notwithſtanding. May be adjourned from day to day.

III. *ſect.* 36. After the firſt of July next, it ſhall be lawful for the mayor and ſheriffs, and for the recorder or deputy, as they or any of them happen to preſide in the ſaid court of record, to impoſe a fine not exceeding five pounds on any juror or witneſs that ſhall be legally ſummoned to attend ſaid court, and ſhall refuſe or neglect to appear purſuant to the ſaid ſummons, and for whom no ſufficient excuſe laid before the court; and to iſſue proceſs from time to time, in the nature of an execution, directed to the ſerjeants at mace, or any of them (who are the officers and miniſters of the ſaid court of record) to levy the ſaid fine off the goods and chattles of ſuch juror or witneſs, and the ſame, when levied, to pay over to the governors of the work-houſe of ſaid city for uſe of ſaid work-houſe, deducting thereout the ſum of two ſhillings and ſix pence for the trouble of ſaid ſerjeants at mace, or of ſuch of them as ſhall execute ſaid proceſs. Jurors or witneſs not attending on ſummons, without ſufficient excuſe, fined 5l. proceſs to levy, to the work-houſe, ſerjeants fee 2s. 6d.

IV. *ſect.* 37. The cuſtom of proceeding in ſaid court of record by attachment is hereby confirmed and eſtabliſhed. Proceeding by attachment.

V. *ſect.* 38. The recorder of ſaid city, or the deputy, being a barriſter at law, ſhall, after the firſt of July next, have full power and authority to hold the general quarter ſeſſion of the peace for ſaid city, and county of the city, and to preſide thereat, or at any adjournment thereof, as fully and effectually to all intents and purpoſes whatſoever, as if the ſame were held before the ſaid mayor or recorder, and any two of the juſtices of the peace of ſaid city. Recorder or deputy may hold and preſide at quarter ſeſſions.

VI. *ſect.* 39. Nothing herein ſhall be deemed, conſtrued, or taken to prevent or hinder the mayor and juſtices of the peace of ſaid city from attending at ſaid court of quarter ſeſſions of the peace, or at any adjournment, or from doing their duty as fully and effectually to all intents and purpoſes, as they or any of them might or could do before the making of this act. Not to prevent the mayor and juſtices.

Cork, Streets, &c.

I. *Stat.* 5 *Geo.* 3. *cap.* 24. *ſect.* 43. And whereas many of the ſtreets, lanes, and paſſages of the ſaid city of Cork and ſuburbs thereof, are too narrow, by means whereof the trade of the ſaid city is greatly obſtructed; it is enacted, that the mayor, and recorder of the ſaid city of Cork for the time being, the right honourable John Hely Hutchinſon eſquire, William Ponſonby eſquire, Henry Sheares eſquire, the ſeveral aldermen of the ſaid city for the time being, Hugh Lawton eſquire, Francis Carleton eſquire, Stephen Denroch eſquire, Riggs Falkiner eſquire, Bayly Rogers eſquire, Walter Travers eſquire, William Verling eſquire, Simon Dring eſquire, Luke Grant eſquire, Kevan Izod merchant, Godfrey Baker merchant, Henry Wrixon eſquire, and William Butler eſquire, are hereby appointed commiſſioners for making wide and convenient ſtreets, ways and paſſages in the ſaid city of Cork, and the ſuburbs thereof. Commiſſioners named.

II. *ſect.* 43. And it ſhall be lawful for ſaid commiſſioners, or the ſurvivors of them, or any five of them, to meet at ſuch times and places in the ſaid ci- Meetings appointed.

ty of Cork, as the ſaid commiſſioners, or the ſurvivors of them, or any five of them ſhall think proper.

Powers given,

III. *ſect.* 44. And all the powers veſted by an act made in the thirty firſt year of the reign of George the ſecond, intitled, *An act for making a wide and convenient way, ſtreet and paſſage from Eſſex-bridge to the Caſtle of Dublin*, and for other purpoſes therein mentioned, are hereby veſted in the herein before mentioned commiſſioners, or any five of them, and all the clauſes contained therein, except that clauſe wherein certain commiſſioners therein named are appointed, ſhall be in as full force with reſpect to the ſaid ſtreets, lanes, and paſſages, and the lands, ground, houſes, and tenements in the ſaid city of Cork, and the ſuburbs thereof, as the ſame are granted by the ſaid laſt mentioned act of parliament, to the commiſſioners therein named, or to be by the authority therein given, elected, or appointed with reſpect to the ſtreets, lanes, and paſſages, and the lands, ground, houſes, and tenements in the city of Dublin.

the ſame as in Dublin.

Water from roofs by trunks fixed on walls, at landlords expence, where tenant yearly or at will, or leaſe under 7 years, ſigns and ſhew-boards on front cloſe to buildings,

IV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 38. *ſect.* 12. Water from the roofs of all houſes within ſaid city and ſuburbs ſhall be conveyed unto or near the ground by pipes or trunks fixed on the walls of ſaid houſes at the expence of the landlords, where the tenant is yearly, or at will, or where the leaſe in being is for a ſhorter continuance than ſeven years, and at expence of the tenant where the leaſe is for a longer continuance; and all ſigns and ſhew-boards ſhall be placed or fixed on the fronts of and cloſe to the houſes, ſhops, ware-houſes or buildings whereunto they reſpectively belong in ſaid city and ſuburbs; and no ſigns, ſhew-boards, poſts, or ſigns ſhall project from the houſes or buildings into any of the ſtreets, lanes, or paſſages in ſaid city or ſuburbs; and in caſe any ſuch perſons neglect or refuſe to alter any of ſaid annoyances for fourteen days after notice in writing from the mayor to alter or remove, ſuch perſons ſhall for every ſuch refuſal or neglect forfeit ten ſhillings, recovered before the mayor, or any of the aldermen of the ward, according to the ſummary method before mentioned, ſuch penalties to go to uſe of the work-houſe of ſaid city.

to the work-houſe.

Truſtees by 5 G. 3. c. 24. ſect. 12. for widening ſtreets may purchaſe grounds, &c. not exceeding 30 feet backward,

V. *ſect.* 23. That the ſeveral truſtees appointed or to be appointed for widening or improving the ſeveral ſtreets, ways and paſſages, in ſaid city and ſuburbs, purſuant to an act fifth of his preſent Majeſty, intitled, *An act for altering and amending ſtatutes for better regulation of the city of Cork, for regulating trials by juries, and for eſtabliſhing market-juries, and making wide and convenient ways, ſtreets, and paſſages, and for preventing frauds by bakers and meal-keepers*, ſhall have power from time to time to purchaſe not only the ſeveral houſes, grounds, and buildings for widening ſaid ſtreets, ways, and paſſages, but alſo any quantity of ground, together with the edifices thereon, not exceeding thirty feet backwards, of any of ſaid ſtreets, ways, or paſſages, ſo widened or improved, or intended to be widened or improved, it ſhall be lawful for the mayor, ſheriffs, conſtables, or market-juries of ſaid city, or any three or more of ſaid jury, to ſeize any ſtand, table, baſket, roots, fruit, blocks, timber, planks, benches, ſticks, caſks, anchor, or other obſtruction, or annoyance, ſtanding or lying in any of the ſtreets, lanes, or alleys of ſaid city, and to cauſe the ſame to be removed to the publick pound of ſaid city, and there to detain the ſame until the owners pay to the mayor five ſhillings to redeem the ſame; and in caſe the ſame not claimed, and the penalty of five ſhillings, with expence of removing, paid within two days after ſeizure, it may be lawful for ſaid mayor to cauſe the ſame to be appraiſed and ſold, and the re-

market-jury may ſeize and detain every annoyance in ſtreets,

till 5s. paid, if not in 2 days, appraiſed and ſold,

ſidue of the money ariſing therefrom, after paying penalty and charges, to be returned to the owners who ſhall demand the ſame; the ſaid penalty of five ſhillings for every ſuch offence to be paid by the mayor, when recovered, to the governors of the houſe of induſtry of ſaid city, for uſe of ſaid houſe of induſtry. to houſe of induſtry.

VI. *ſect.* 24. All penalties not otherwiſe particularly provided for, ſhall be raiſed and levied by diſtreſs and ſale of offender's goods: and in caſe no goods or chattles of perſons ſo offending can at the time of conviction be found, it ſhall be lawful for ſaid mayor, aldermen, or juſtices, before whom offender convicted, to commit to houſe of correction to hard labour for any time not exceeding three months. Penalties by diſtreſs and ſale, if none, committed not above 3 months.

VII. *ſect.* 25. If any action or ſuit commenced, or replevin brought againſt by any perſon ſo taking any diſtreſs, making any ſale, or doing any other thing by authority of this act, or of any other act relating to ſaid city, defendants or avowants, or others making conuſance in ſuch action, ſuit, or replevin, may either plead the general iſſue, or otherwiſe make avowry, conuſance, or juſtification generally that ſaid diſtreſs, ſale, treſpaſs, or other thing whereof plaintiffs complain, was taken, made, or done by authority of this act, or ſuch other act of parliament, and ſhall and may give this or ſuch other act and the ſpecial matter in evidence at any trial; and that the ſaid diſtreſs or other matter or thing for which ſuch action, ſuit, or replevin brought, was taken or done in purſuance and authority of this act, or of ſuch other act; and in caſe the plaintiffs in ſuch action, ſuit, or replevin, diſcontinue, or be nonſuited, or the defendants or avowants, or perſons ſo making conuſance or juſtifying ſhall obtain judgment on verdict, demurrer, or by default, ſuch defendant, avowant, or perſon making conuſance or juſtifying ſhall recover double coſts of ſuit, and have ſuch remedy for recovery, as any defendant may have by law for coſts in any other cauſe; and if plaintiffs have proceeded by way of replevin ſhall alſo have judgment for recovery of diſtreſs taken. General iſſue pleaded, &c. double coſts to defendants or avowants on nonſuit, &c. and if in replevin judgment for diſtreſs.

VIII. *ſect.* 26. This act deemed, adjudged, and taken to be a publick act, and judicially taken notice of by all judges, juſtices and other perſons without ſpecially pleading, and the ſame do paſs as a publick act. A publick act.

Cork, Treaſurer.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 20. The treaſurer of the county of ſaid city, may, after the firſt of July next, receive a ſalary not exceeding eighty pounds a year, inſtead of the preſent ſalary of forty; and the grand jury of each of the ſaid aſſizes for the county of ſaid city, after ſaid firſt of July next, may preſent a ſum not exceeding forty pounds, to be raiſed and paid to the treaſurer of the county of ſaid city, in full for his half year's ſalary due at ſuch aſſizes. 80l. a year to treaſurer, preſented half-yearly.

Cork, Watch.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 27. It ſhall be lawful for the miniſter, church-wardens, and pariſhioners of the ſeveral pariſhes in ſaid city and ſuburbs, and which are herein before mentioned, at their reſpective veſtries held after the firſt of July next, from time to time, to appoint a ſufficient Watchmen appointed in veſtries,

number of able watchmen to keep watch in each of ſaid reſpective pariſhes, and to appoint the times of watch in ſaid pariſhes reſpectively, and proper ſalaries or wages for ſuch watchmen, and proper watch-houſes in each of ſaid pariſhes, and neceſſary fire and candle light, and other neceſſary articles for ſuch watch-houſes, and watch cloaks, lanthorns, and ſtaves or pikes for ſuch watchmen, and annual overſeers of ſuch watches, to ſee that the ſame are duly kept, and to puniſh by ſmall fines or ſhort impriſonments ſuch of the ſaid watchmen as ſhall miſbehave, and to appoint others in their room; and it ſhall be lawful for the ſaid watchmen, or any of them, to apprehend all ſuch idle or diſorderly perſons, as they ſhall find in the night time making any affray or committing any breach of peace in ſaid city and ſuburbs, or any part thereof at late and unſeaſonable hours of the night; and ſuch perſons, to detain priſoners in the reſpective watch-houſes of the ſaid pariſhes; and ſuch watchmen or watchman ſhall in the morning after the apprehending ſuch idle, diſorderly, or ſtrolling perſon or perſons, carry or convey before the mayor, or ſome one of the juſtices of ſaid city, to be examined and dealt with according to law.

ſalaries and neceſſaries,

puniſhed by ſmall fines and ſhort impriſonment,

and others appointed,

to apprehend by night for affrays or breach of peace,

and impriſon in watch-houſes,

carried in the morning before mayor or a juſtice.

II. *ſect.* 28. The rent of ſuch watch-houſes, and the expences of ſuch fire, candles, watch cloaks, lanthorns, ſtaves and pikes, or other neceſſary articles aforeſaid, and all the expences, coſts, and charges that ſhall attend the appointment and continuing of a proper watch in each of ſaid pariſhes; as well as all other money uſually raiſed at veſtries for ſaid ſeveral pariſhes for the repair of churches, pariſh clerks, and other pariſh officers ſalaries, and other pariſh charges, ſhall by the miniſters, church-wardens, and pariſhioners, at the reſpective veſtries after the firſt of July next, be charged upon and paid by the reſpective inhabitants of each of ſaid pariſhes, by a proportionable poundage according to the before mentioned valuation of ſaid ſeveral dwelling-houſes, out-houſes, offices, cellars, ſtables, linneys and yards in each of ſaid pariſhes, as before ſet forth with reſpect to ſaid lamp money; and church-wardens of ſaid ſeveral pariſhes, ſhall receive and recover from the inhabitants of the ſaid pariſhes the money ſo to be appointed by ſaid veſtries, in the ſame manner, and by ſuch remedies, as pariſh rates, appointed by the veſtries of ſaid pariſhes to be raiſed and paid, are now by law to be recovered.

Rent and expences charged in veſtries on inhabitants by valuation as for lamp-money,

recovered by church-wardens as pariſh rates.

Cork, Water and Water-courſes.

I. *Stat.* 1 *Geo.* 3. *cap.* 19. *ſect.* 2. It ſhall be lawful for the common council of the ſaid city, for the time being, and ſuch freemen at large of the ſaid city, as ſhall be elected in open court of doyer-hundred, after a previous poſting in writing of eight days, on the exchange of the ſaid city, for that purpoſe, and the perſons to be by them appointed, and employed from time to time, to enter into the ſeveral grounds of any perſons within the liberties of the ſaid city (houſes, gardens, orchards, and yards excepted) and to dig, raiſe, and make reſervoirs thereon, for the holding and containing freſh water, and to dig, cut, and carry any trenches, or water-courſes, from the ſaid reſervoirs to any rivers adjacent, for the effectual conveying water to the ſaid reſervoirs, and alſo from time to time to enter upon the ſaid grounds, to repair the ſaid reſervoirs, or water-courſes, and alſo to dig and cut through the ſaid lands, from the ſaid reſervoirs, and to fix and lay pipes in and through the ſame, and in and through

Common council of Cork. See 5 G. 3. c. 24. ſect 38.

through all ſtreets, lanes, ways, and paſſages, in the ſaid city, for conducting and conveying the ſaid water from the ſaid reſervoirs, to the ſeveral parts of the ſaid city, the common council of ſaid city, and ſuch freemen at large of the ſaid city, as ſhall be ſo elected, always paying to the reſpective owners and occupiers of the ſaid ſeveral grounds, on which the ſaid reſervoirs or water-courſes ſhall be ſo made, and in and through which the ſaid pipes ſhall be ſo laid and carried as aforeſaid, ſuch rates or damages, in caſe the parties ſhall not amicably adjuſt the ſame, as ſhall be adjudged reaſonable by a jury of freeholders of the county of the ſaid city, to be impannelled at the next aſſizes for the county of the ſaid city for that purpoſe, by the ſheriffs of the ſaid city, and whoſe verdict ſhall be taken before the judges of aſſize for the ſaid county of the ſaid city.

payment for damages.

II. *ſect.* 3. Provided no perſon ſhall be on the ſaid jury, who ſhall be one of the ſaid common council, or one of the ſaid freemen ſo to be elected as aforeſaid.

Jurors.

III. *ſect.* 4. If any perſon ſhall break, throw down, or deſtroy any trenches, or water-courſes, made in purſuance of this act, or ſhall make any holes through the ſaid water-courſes, or any new trenches from the ſaid courſe, to carry off, or divert the water from the ſame, every perſon ſo offending ſhall forfeit ten pounds, to be recovered by civil bill before the next going judges of aſſize for the county of the ſaid city; one moiety thereof to the treaſurer of the work-houſe of the ſaid city, for the uſe of the ſaid work-houſe, and the other moiety to the perſon who will inform and ſue for the ſame.

Trenches and water-courſes.

IV. *ſect.* 5. If any perſon ſhall be ſued for any thing done in purſuance of this act, ſuch perſon may plead the general iſſue, and give this act, which ſhall be deemed a publick act, and the ſpecial matter in evidence; and if a verdict ſhall paſs for the defendant, or the plaintiff diſcontinue his action, or be non-ſuited, or judgment given againſt him, the defendant ſhall have double coſts.

General iſſue.

V. *Stat.* 5 *Geo.* 3. *cap.* 24. *ſect.* 38. *And whereas by an act of parliament made in the firſt year of his majeſty's reign for building a ſtone bridge from the quay oppoſite Princes-ſtreet in the city of Cork to Lavits Iſland, and alſo for ſupplying the ſaid city with water; certain powers therein mentioned for ſupplying the ſaid city with water, were veſted in the common council of the ſaid city of Cork, and ſuch freemen at large of the ſaid city, as ſhould be elected in open court of D'Oyer Hundred: and whereas it is thought to be more adviſeable to veſt the ſaid powers in the mayor, ſheriffs, and commonalty of the ſaid city of Cork, with liberty to them to appoint a committee to execute the ſaid powers*; it is enacted, that all the powers therein veſted in the ſaid common council and freemen, are hereby diveſted out of the ſaid common council and freemen, and veſted in the mayor, ſheriffs and commonalty, and their ſucceſſors for ever, in as ample manner as they were by ſaid laſt mentioned act veſted in the ſaid common council and freemen; and the eſtate, property, right and title in and to the reſervoirs, canals, trenches, water-courſes and pipes, to be made, cut or laid in purſuance of ſaid laſt mentioned act, together with all profits and advantages accruing from the ſame, or from the water in them to be contained, are hereby veſted in the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors for ever.

Recital of the act, 1 G. 3.

powers diveſted, &c.

property veſted in the mayor, &c.

VI. *ſect.* 39. And that it ſhall be lawful for the mayor, ſheriffs, and commonalty of the ſaid city, under the common ſeal of the ſaid city, to grant any ſhares or dividends of the profits ariſing from the ſaid reſervoirs, canals, trenches, water-courſes, pipes, and water, or any of them, to ſuch freemen at large of the ſaid city, and their executors, adminiſtrators, and aſſigns, and for ſuch

Shares of profits.

ſuch term of years as the mayor, ſheriffs, and common council of the ſaid city by their orders confirmed by the court of D'Oyer Hundred of the ſaid city, ſhall appoint, ſuch freemen to whom ſuch ſhares or dividends ſhall be ſo granted, covenanting for them, and their heirs, adminiſtrators, and aſſigns, with the ſaid mayor, ſheriffs, and commonalty, to pay a proportionable part of the expence attending the making, digging, cutting, repairing, and keeping in order the ſaid reſervoirs, canals, trenches, water-courſes, and pipes.

confirmation of grants.

Regulations and bye-laws,

VII. *ſect.* 40. And it ſhall be lawful for the mayor, ſheriffs, and common council of the ſaid city of Cork, by acts of council confirmed by the ſaid court of D'Oyer Hundred, from time to time to make ſuch orders, regulations, and bye-laws concerning the making, preſerving, repairing, or altering the ſaid reſervoirs, canals, trenches, water-courſes, water, and pipes, with ſuch penalties and forfeitures, for the breach of the ſaid orders, regulations, and bye-laws, and to be recovered and applied in ſuch manner, as to the ſaid mayor, ſheriffs, and common council ſhall ſeem reaſonable, and ſuch orders, regulations, and bye-laws, ſhall be of the ſame force, and have the ſame efficacy, as if they were herein particularly ſet forth and enacted.

penalties for breach.

Agreements for lands, &c.

VIII. *ſect.* 41. And it ſhall be lawful for the ſaid mayor, ſheriffs, and commonalty to agree with any perſons ſeized of any eſtate in fee, or in tail, or for lives renewable for ever, or for any term for years in the county of Cork, at certain annual rents, or otherwiſe, as ſhall be agreed on to be paid by the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors, to ſuch perſons, or their heirs, executors, adminiſtrators, or aſſigns, for liberty for ever, or for any number of years which ſhall be agreed on, to take up water from any river on the eſtate or grounds of ſuch perſons, and to cut, make and dig canals, trenches, or water-courſes, for conveying the ſaid water through the eſtate or grounds of any of the ſaid perſons, and that any of the ſaid perſons notwithſtanding any diſability by coverture, ſettlement, entail, or other impediment, are hereby impowered to grant and demiſe the aforeſaid liberty to the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors.

power to grant.

Grounds, &c. in leaſe.

IX. *ſect.* 42. Provided, that in caſe any of the ſaid eſtates or grounds ſhall be in tenancy for any term of years not exceeding ſixty, that the rent ſo to be agreed upon by and between the ſaid mayor, ſheriffs, and commonalty, and the ſaid perſons to whom the fee or freehold of the ſaid eſtates or grounds ſhall reſpectively belong, ſhall be paid to the ſaid reſpective tenants of the ſaid grounds, during the ſaid reſpective terms, in proportion as the ſaid canals, trenches, and water-courſes ſhall go through the ſaid tenants ſaid lands.

Stat. 1 G. 3. c. 19.

X. *ſect.* 59. The act (1 *Geo.* 3. *cap.* 19.) for ſupplying the ſaid city with water, &c. except ſuch parts thereof as are hereby repealed, amended or altered, ſhall remain in force as if this act had never been made.

Giving away pipe-water, or permitting it, penalty 20s. to work-houſe and informer.

XI. *Stat.* 17 & 18 *Geo.* 3. *cap.* 38. *ſect.* 17. Whereas a conſiderable expence incurred in ſupplying the city of Cork and ſuburbs with water, if owner or poſſeſſor of any pipe or branch of any pipe in ſaid city or liberties, rented or to be rented from the mayor, ſheriffs, and commonalty of ſaid city, or from the committee deputed or to be deputed by them, ſhall give away pipe-water, or permit or ſuffer any perſon to give or carry away pipe-water from ſuch pipe, or branch of any pipe; ſuch perſon ſhall forfeit for every ſuch offence twenty ſhillings, recovered in the ſummary way aforeſaid before the mayor or any of aldermen of the ward, by the firſt perſon that ſhall ſue, one moiety to the work-houſe, the other to go to informer.

XII. *ſect.*

XII. *ſect.* 18. If any perſon put a branch-pipe into any of the mains or pipes laid for conveyance of water in any of the ſtreets, lanes, or paſſages in ſaid city or ſuburbs, or ſhall have a branch-pipe conveyed into or near any dwelling-houſe or out-houſe in ſaid city or ſuburbs from the branch-pipe of any other perſon without the conſent and authority of the mayor, ſheriffs, and commonalty, or of ſuch committee as aforeſaid, in order that ſuch perſon may be ſupplied with pipe-water without paying, every perſon ſhall for every ſuch offence forfeit ten pounds, recovered by civil bill at the general aſſizes for the county of ſaid city, by the firſt perſon who ſhall ſue, one moiety for uſe of the work-houſe, the other to the informer, or perſon firſt ſuing.

Penalty for branch-pipe without authority, 10l. by civil bill, to work-houſe and informer.

XIII. *ſect.* 19. If any building or encloſure of ground hath been made in ſaid city of Cork, the ſuburbs or liberties, where pipes or mains have been laid, or aqueducts erected, or hereafter ſhall be laid or erected for ſupplying with water, it ſhall be lawful for the mayor, ſheriffs, and commonalty, or ſaid committee or any one or more of ſaid committee, with workmen from time to time, when ſuch mains, pipes, or aqueducts out of order, to enter into and upon ſuch buildings and encloſures, or any ground through which ſuch mains, pipes, or aqueducts laid or erected, in order to repair the ſame, paying all ſuch damages as the owner or owners ſuffer thereby, to be aſcertained in a ſummary way by two perſons, one appointed by the mayor, ſheriffs, and commonalty, or ſaid committee or majority of ſaid committee, and the other by ſuch owner or owners; and in caſe ſuch two perſons ſhall not agree, then ſuch damages to be aſcertained by a third perſon nominated as umpire by ſaid two perſons; and in caſe the owner or owners of ſuch buildings, incloſures, or ground refuſe permiſſion for entering to repair, for every ſuch refuſal ſuch owner or owners ſhall forfeit twenty ſhillings, recovered in the ſummary way aforeſaid before the mayor or any of the aldermen of the ward by the firſt perſon who ſhall ſue; one moiety for uſe of work-houſe, and the other to informer, or firſt perſon that ſhall ſue.

Buildings or incloſures may be entered to repair pipes, &c. paying damages;

aſcertained by 2, 1 by the mayor, &c. 1 by owner,

or an umpire;

penalty refuſing entrance 20s. as aforeſaid.

Cork, Weigh-maſters and Meaſurers.

I. *Stat.* 5 *Geo.* 3. *cap.* 15. *ſect.* 8. To the end, that the ſeveral rules, regulations, orders, and directions in this and the acts 10 *G.* 1. *c.* 9. 12 *G.* 1. *c.* 5. and 21 *G.* 2. *c.* 7. mentioned and contained, may be ſtrictly obſerved, and faithfully and truly executed in the city of Cork, which is a place of great export; it is enacted, that from and after the end of the next ſeſſion of parliament, after the twenty ninth day of September 1769, Joſeph Hoare, eſquire, Henry Sheares, eſquire, and Edward Hoare the younger, eſquire, and the ſurvivor of them, may be appointed weigh-maſters of the city of Cork, in the place and ſtead of the preſent weigh-maſters thereof, with the ſame and the like fees payable, and in the ſame manner recoverable for the trouble, charges, and expences which they ſhall be at in the execution of the ſaid offices, and ſubject to the like removal for miſbehaviour, with liberty of appeal, and to the ſame conditions, rules, regulations, orders, directions, and under the ſame penalties as the preſent weigh-maſters of the ſaid city of Cork were and are now liable to by the ſaid laſt mentioned acts; which ſaid offices ſhall, from and after the end of the next ſeſſion of parliament after the twenty ninth day of September 1769, be executed by the ſaid Joſeph Hoare, Henry Sheares, and Edward Hoare, or by the ſurvivors or ſurvivor of them, or their

Appointment of weigh-maſters,

removal for miſbehaviour,

commencement of the office.

their deputies, to be by them nominated or appointed during the good behaviour of the ſaid Joſeph Hoare, Henry Sheares, and Edward Hoare.

Abſence of weigh-maſter,

II. *ſect.* 9. The mayor, ſheriffs, and common council of the city of Cork, in the abſence of the weigh-maſter or weigh-maſters for the time being, from the ſaid city, may, upon full proof of the miſbehaviour of any deputies now appointed, or that ſhall hereafter be appointed by ſuch weigh-maſters, either upon full hearing of them, or upon their being duly ſummoned, and neglecting to appear by writing under their reſpective hands and ſeals, remove ſuch deputies from their offices, and nominate and appoint another, or others to act in their ſtead during the abſence of ſuch weigh-maſters from the ſaid city.

removal of deputies

Receiving forfeitures.

III. *ſect.* 10. The deputy weigh-maſters of the city of Cork ſhall be hereby directed and required to receive all ſuch penalties and forfeitures as by the ſaid laſt recited acts, or any of them, are to go to the governors of the work-houſe of the ſaid city, and to account quarterly, on oath, with the court of aſſiſtants of the ſaid work-houſe, for the ſaid penalties and forfeitures received by them reſpectively, deducting five pounds out of every hundred pounds ſo received, as a recompence for their trouble.

fees for receiving.

Salt-meaſurers appointed annually by mayor,

IV. *Stat.* 11 & 12 *Geo.* 3. *cap.* 18. *ſect.* 56. The mayor of ſaid city ſhall annually appoint a ſufficient number of honeſt and ſkilful perſons to meaſure ſalt on board or from on board any ſhip or other veſſel in ſaid city, between buyer and ſeller, during mayoralty of ſaid mayor, and each of ſaid ſalt-meaſurers before he acts in ſaid office, ſhall be ſworn before ſaid mayor fairly, juſtly, and impartially to meaſure the ſaid ſalt between buyer and ſeller, without favour to either of the parties; and it ſhall be lawful for ſaid mayor to remove any of ſaid ſalt-meaſurers from ſaid office for miſbehaviour, and to appoint another, and alſo on proof before ſaid mayor, by oath of one or more witneſſes (which oath ſaid mayor is authorized to adminiſter) of the miſbehaviour of any ſuch ſalt-meaſurer, it ſhall be lawful for ſaid mayor to commit to the houſe of correction, to be kept at hard labour not exceeding one calendar month; and in caſe any perſon ſhall meaſure ſalt on board or from on board any ſhip or veſſel in ſaid city, between buyer and ſeller, who ſhall not be ſo appointed by ſaid mayor, and ſworn, being convicted in a ſummary way before ſaid mayor, by oath of one or more witneſſes, ſhall forfeit for each time ſuch perſon ſhall ſo meaſure ſalt, twenty ſhillings, levied by warrant of ſaid mayor off the goods and chattles of offender, one half paid to proſecutor, the other half to the governors of the work-houſe of ſaid city, for uſe of ſaid work-houſe; and it ſhall be lawful for ſaid mayor, ſheriffs, and common council, or the majority, from time to time to aſcertain the fees to ſaid ſalt-meaſurer, and by whom ſaid fees are to be paid, whether by buyer or ſeller, or equally between both, and no other fees ſhall be paid or received for meaſuring ſaid ſalt in the ſaid city between buyer and ſeller, but thoſe aſcertained by mayor, &c.

ſworn,

removed for miſbehaviour, another appointed;

committed one month;

meaſuring without appointment or oath 20s. to proſecutor and work-houſe,

fees aſcertained by mayor, &c.

Appointment and removal approved by doyer hundred in 6 months, or void.

V. *ſect.* 57. The appointment and removal of ſaid meaſurers of ſalt, and every of them ſhall be approved of by a court of doyer hundred in ſix months after admiſſion, or otherwiſe every ſuch appointment and removal ſhall be null and void to all intents and purpoſes whatſoever.

I. *Stat.* 17 & 18 *Geo.* 3. *cap.* 28. *ſect.* 20. Whereas the ſums appropriated are not ſufficient for ſupport of ſounding children in ſaid city and ſuburbs: and by an act eleventh and twelfth of his preſent Majeſty, *for relief of poor infants deſerted*, the pariſhes in Cork are exempted from receiving children, and many have miſerably periſhed in ſaid city; the church-wardens in Cork and the ſuburbs may, if they think proper, take into their care and poſſeſſion any infant children, deſerted and expoſed in their reſpective pariſhes, and provide proper nurſes, clothing, and other neceſſaries, and the expences thereof ſhall be raiſed on inhabitants of the pariſhes reſpectively by pariſh rates, in ſame manner as repairs of pariſh-churches or other uſual pariſh rates are raiſed; and church-wardens ſhall reſpectively take an account, when any ſuch deſerted or expoſed infant child ſhall be taken by them in their pariſhes, and in two days at fartheſt return in writing to maſter of the work-houſe of ſaid city an account of the time and place of taking ſuch deſerted or expoſed children; and the maſter of the work-houſe ſhall keep a book, in which he ſhall enter returns of ſaid church-wardens in priority, as the ſame ſhall be made; and lay ſaid book before the governors or court of aſſiſtants whenever ſaid governors or court ſhall meet; and whenever the funds of work-houſe ſhall anſwer, to take one or more of the ſaid deſerted or expoſed children on the foundation to be provided for agreeable to the act, provided ſaid governors or court ſhall take from reſpective pariſhes ſuch and ſo many, as the funds of ſaid work-houſe will then allow of, and according to priority of ſuch deſerted or expoſed children being taken on ſaid pariſhes.

11 & 12 G. 3. c. 15.

church-wardens may take deſerted infants, and provide neceſſaries, at expence of inhabitants by pariſh rates;

and in 2 days return account to work-houſe of time and place;

returns entered, laid before aſſiſtants;

when the funds anſwer taken by priority.

II. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 18. Whereas by ſeventeenth and eighteenth of his Majeſty, church-wardens in Cork and ſuburbs may, if they think proper, take into their care and poſſeſſion any infant children deſerted and expoſed, and the expences of providing for ſuch children ſhall be defrayed by the reſpective pariſhes; and ſeveral church-wardens have refuſed to take into their care and poſſeſſion, whereby the charitable ſcheme intended, is in a great meaſure fruſtrated; the church-wardens of the ſeveral pariſhes in Cork, and the ſuburbs, ſhall take into their care and poſſeſſion any infant children expoſed in their reſpective pariſhes, to be diſpoſed of as in ſaid act; and if any refuſe to take for purpoſes in ſaid act, ſuch church-warden for every ſuch offence ſhall forfeit five pounds to governors of the work-houſe of ſaid city for uſe of ſaid work-houſe, to be recovered by civil bill, in name of ſaid governors at aſſizes for ſaid city.

17 & 18 G. 3. c. 38. ſ. 20. recited.

church-wardens in Cork and ſuburbs ſhall take care of expoſed children to be diſpoſed of as in ſaid act,

refuſing forfeit 5l. to work-houſe by civil bill.

Corn.

I. *Stat.* 8 *Edw.* 4. *cap.* 2. No man having ſufficient ſtore of corn of his own, ſhall buy any corn in the common market, no perſons called badgers ſhall buy any corn in the form aforeſaid, upon ſuch pain as is made againſt the regrators of the King's market, and to be judged as common regrators of the market, alſo it ſhall not be lawful to no man which will buy any manner of corn in the common market, to ſell the ſame again in the ſame market, nor in no other market, upon pain to be adjudged a common regrator of the market.

Regrators of corn.

II. *Stat.* 12 *Edw.* 4. *cap.* 3. No perſon ſhall lade grain out of the land to other parts without, if one peck of the ſaid grain exceed the price of ten

Exportation.

pence, upon pain of forfeiture of the ſaid grain or the value thereof; and alſo the owner of the ſhip within the which the ſaid grains are laden, ſhall forfeit the ſaid ſhip, the one moiety of the ſaid ſhip and grains to the king, and the other moiety to the party that ſeiſe or take the ſaid grains and ſhip.

Leazing in harveſt, forfeiture.

III. *Stat.* 25 *Hen.* 8. *cap.* 1. No perſons being ſtrong of body to labour for their living, ſhall gather or leze in any place in harveſt time, except it be in their own fields, and no impotent perſons gather or leze in any place, ſaving in the ſame paroch where their dwelling is, and no man give ne take any corn in harveſt for ripping ne binding of corn; and if any perſons gather, leze, or take any corn for their labour contrary to this act, it be lawful to every perſon or perſons to take corn from every ſuch gatherer, lezer, and other ſuch perſons as ſhall take corn for their labour in manner aforeſaid, all ſuch corn as they take or get by lezing as is aforeſaid, with all ſuch other ſtole corn as ſhall be gotten with them as well within their houſes as without, the one half thereof to the lord of the ſoil where the ſame ſhall be found, and the other half to the taker of the ſame.

Forfeiture for leazing.

IV. *Stat.* 28 *Hen.* 8. *cap.* 24. *ſect.* 1. Every perſon which ſhall leaze in the harveſt time in any field as long as the corn ſhall be there in reak or otherwiſe, ſhall not only loſe all the corn that they ſhall leaze to any perſon that will take or ſeiſe the ſame, but alſo ſhall forfeit for every time that they ſhall ſo leaze twelve pence, which forfeiture ſhall be to the lord of the ſoil, and to be preſented and inquired of in the ſaid lord's court, and if he have no court, then the ſaid forfeiture to be to the king; and all his juſtices in every of his courts to inquire thereof, in like form, as they do all other ſtatutes penal, and to ſee the ſame duly puniſhed and put in execution.

Penalty on occupiers.

V. *ſect.* 2. Every occupier of ſuch fields wherein any corn ſhall be, which willingly ſhall permit any ſuch perſons to leaze contrary to the form aforeſaid, ſhall forfeit to the king for every time ſo offending, twelve pence, of which offences the king's juſtices ſhall inquire and execute in manner aforeſaid.

Keeping ymnakes.

VI. *ſect.* 3. Every perſon which in the harveſt ſeaſon receive or keep in their habitations any ymnakes which ſhall leaze contrary to this act, ſhall forfeit for every ſuch ymnake ſix ſhillings eight pence, which forfeiture ſhall be to the lord of the ſoil, if it be enquired or preſented in his court or leet, and in default thereof to be inquired and preſented in the king's court in manner aforeſaid.

Owners of corn.

VII. *ſect.* 5. Provided, that this act, ne any thing therein contained, ſhall extend to any owners of corns, but that they may leaze by themſelves or ſervants their own corn.

Burning in the ſtraw.

VIII. *Stat.* 10 & 11 *Car.* 1. *cap.* 17. *ſect.* 1. No perſon ſhall by himſelf, wife, children, ſervants, tenants, or any of them, burn corn or grain in the ſtraw, upon pain of impriſonment in the common gaol of the county wherein the offence ſhall be committed for ten days without bail or mainprize for the firſt offence, and the delinquent to pay the charge of ſending them to the gaol before they be thence enlarged.

(2) And

(2) And for the ſecond offence to be impriſoned one whole month without bail or mainprize, and to pay the charges as aforeſaid, and for the third offence to forfeit forty ſhillings, and to be bound unto the good behaviour, and to pay the charges as aforeſaid, the ſaid forty ſhillings to be paid towards the relief of the priſoners in the ſaid gaol, and to be paid unto the chief magiſtrate of the place where ſuch gaol ſhall be, before the offender be diſcharged, and at his diſcretion to be diſtributed. Second offence.

(3) And it ſhall be lawful for the juſtices of peace of the county where ſuch offences ſhall be committed in their ſeſſions of the peace, to inquire and determine of all offences againſt this act, and at all times out of the ſeſſions, as well by oath as all other lawful means to try and find out the ſaid offences, and to commit the offenders according to this act. Juſtices to enquire.

IX. *Stat.* 11 *Geo.* 2. *cap.* 11. *ſect.* 1. All wheat, rye, meſſin, peaſe, beans, barley, bere, oats, ſhillin, cutlins, meal, flour and malt, ſhall be ſold and delivered by weight, and not by meaſure, or in any other manner. Sold by weight.

X. *ſect.* 2. Such weight ſhall be according to the avoirdupois pound, fourteen pounds whereof ſhall make a ſtone, and eight ſtone one hundred weight, and twenty hundred one ton, to be ſtanding weight, and all bargains made for ſelling ſuch wheat, &c. by any other weight, or in any other manner than by weight, or for allowing any quantity of ſuch wheat, &c. to the quantity agreed to be ſold, or for making any addition or allowance to the ſtone, hundred, tun, or other weight ſhall be void. Averdupois pound.

XI. *ſect.* 3. If any perſon ſhall ſell, barter, exchange or deliver any ſuch wheat, &c. any other way than by weight and in the manner aforeſaid, or if any perſons either by themſelves or by any other perſon employed by them, ſhall, after the time aforeſaid, enter into any agreement for buying or receiving any wheat, &c. any other way than by weight in the manner aforeſaid, or ſhall demand, contract for, or receive any greater quantity thereof than the very quantity *bona fide* bought and agreed for, or ſhall demand or take any addition or allowance to the pound, ſtone, hundred, ton or other weight, over and above the real content thereof at ſtanding weight, and every perſon buying any corn, grain, flour or meal, contrary to the directions aforeſaid, ſhall forfeit five pounds, to be paid to ſuch perſon, who within three calendar months after ſuch offence committed, ſhall firſt give information thereof to any mayor or other chief magiſtrate of any city or town corporate, or any juſtice of the peace within their reſpective juriſdictions, who ſhall iſſue a ſummons under his hand, requiring the party accuſed to appear before him, at any reaſonable time not leſs than twenty four hours after the time he ſhall be ſerved with ſuch notice, and after the ſame ſhall be left at his uſual place of abode, at which time ſuch magiſtrate or juſtice ſhall by examination of one witneſs upon oath, proceed to hear and determine the ſame. Sellers giving allowances, Buyers taking allowance.

(2) But if any perſon ſhall think himſelf aggrieved by the judgment of ſuch magiſtrate or juſtice, ſuch perſon may appeal to the next going judges of aſſize, or if in the city or county of Dublin, to the juſtices of the next general ſeſſions of the peace, who ſhall finally hear and determine the ſame; and ſuch magiſtrate or juſtice, or in caſe of appeal ſuch judges of aſſize, or juſtices at the ſeſſions, ſhall iſſue a warrant under their reſpective hands and ſeals, directed to any conſtable of ſuch county, city, or town-corporate, requiring him to levy the ſum adjudged to be forfeited, by diſtreſs and ſale of the offenders goods, rendering Appeal to judges of aſſize.

rendering the overplus, if any be, to the owner, after deducting twelve pence ſterling in the pound for his pains in levying the ſame; but if no goods ſhall be found to anſwer ſuch ſum, ſuch offender ſhall be committed to the houſe of correction, and kept to hard labour during the ſpace of three calendar months, unleſs he ſooner pay the ſum ſo adjudged to the party intitled to the ſame.

Weights of corn, &c.

XII. *ſect.* 4. Forty ſtone of rye, wheat, meſlin, peaſe and beans, twenty four ſtone of barley and bere, twenty two ſtone of oats, twenty ſtone of malt, ſhall be deemed equal to and ſtand in the place of one quarter of the ſaid ſeveral ſorts of corn, grain, and malt, and the ſame duties and exciſe, and the ſame premiums as are now allowed and payable on the exportation or importation, for one quarter of each of the ſaid ſorts of corn, grain or malt, ſhall be allowed and payable on the exportation or importation, for forty ſtone weight of ſuch wheat, rye, *&c.*

Beams and ſcales.

XIII. *ſect.* 5. For the more eaſy weighing of corn in the city of Dublin, and other principal cities and towns, the chief magiſtrate of the city of Dublin, ſhall at the expence of the ſaid city, erect four ſufficient beams with proper ſcales thereunto, and a competent ſet of weights made of iron and ſealed by the proper officer, for weighing corn in convenient places within the corn markets of the ſaid city, and fix more ſuch beams, ſcales and weights on Aſton's-Quay for weighing all ſorts of corn, and keep the ſame in ſufficient repair for weighing with, for the uſe of which no greater prices ſhall be paid than in this act are appointed.

(2) And if ſuch chief magiſtrate of the city of Dublin, ſhall not provide the ſaid beams, ſcales and weights, and ſhall not make the ſame appear by affidavits of two creditable perſons in the court of King's-bench, ſuch court ſhall fine ſuch chief magiſtrate in the ſum of one hundred pounds, and ſhall in every ſucceeding term, until ſuch affidavit is made and produced, fine him in the like ſum of one hundred pounds, which fines ſhall be eſtreated into the exchequer.

Towns where beams are to be provided.

XIV. *ſect.* 6. In each of the cities and towns following, *viz.* Cork, Waterford, Limerick, Belfaſt, Londonderry, Newry, Sligo, Galway, Drogheda, Dundalk, Wexford, Navan, Athy, Naas, Liſburn, Clonmell, Roſs, and Youghall, and all other market towns in this kingdom, there ſhall be provided by the chief magiſtrate for the time being, of ſuch city or town, one juſt and true balance of iron beam, with ſcales and a competent ſet of weights made of iron, and ſealed by the proper officer, for weighing of corn, and if ſuch chief magiſtrate ſhall not at the general aſſizes to be held for the county where ſuch city or town lies, make it appear before the juſtices of aſſize by the affidavits of two credible perſons, that one ſuch balance or beam, with proper ſcales and weights hath been provided and ſet up, ſuch chief magiſtrate ſhall be fined by the juſtices of aſſize in the ſum of fifty pounds, and at every ſucceeding aſſizes ſhall be fined the like ſum of fifty pounds, until ſuch affidavits ſhall be made and produced, which ſum ſhall be eſtreated into his Majeſty's court of exchequer.

Fees for weighing.

XV. *ſect.* 7. Provided, that for weighing corn or other things at ſuch ſcales, no more ſhall be paid than one half-penny for every draught weighing under one hundred weight, and one penny for every draught weighing one hundred pounds or upwards.

Buyers and ſellers.

XVI. *ſect.* 8. All perſons who uſually buy or ſell any ſort of corn or grain within the city of Dublin, or liberties thereof, or within the liberties of Saint Sepulchre's, Thomas Court, Donore, and Saint Patrick's Cloſe, ſhall provide themſelves with a good iron beam or balance, with ſcales thereunto, and a competent

competent ſet of weights made of iron, and ſealed by the proper officer within each of the reſpective liberties, and ſhall buy and ſell by ſuch weights only, and none other.

(2) And if any ſuch perſons who uſually buy or ſell any ſort of corn or grain, ſhall buy or ſell by any other weights than ſuch iron weights, and ſo ſealed as aforeſaid, every ſuch offender ſhall, for every ſuch offence, forfeit five pounds; one moiety to the poor of the pariſh where ſuch offence ſhall be committed, and the other moiety to the informer, the ſame to be raiſed by diſtreſs and ſale of the offenders goods, being lawfully convicted upon oath of one credible witneſs, before the lord mayor of the city of Dublin, the ſeneſchals of the ſaid reſpective liberties within their reſpective juriſdictions, or any juſtice of peace within the ſaid county of the city of Dublin, or county of Dublin reſpectively, who are hereby impowered to hear and finally to determine the ſame. Penalty on offenders.

XVII. *ſect.* 9. To prevent perſons who ſhall ſell any of the ſaid ſorts of corn, grain, and malt from ſpoiling and adulterating thereof by wetting it, or mixing any ſand, gravel, dirt, or other kind of ſtuff, or from uſing any other fraud or deceit to make ſuch corn appear heavier than it would have been without ſuch mixture, fraud, or deceit; every perſon being lawfully convicted of any frauds or deceits, to make ſuch corn, grain or malt appear heavier, by the oath of one credible witneſs, before the lord mayor, or any juſtice of the peace of the city of Dublin, or before any chief magiſtrate of any city, town, or corporation, or before any juſtice of the peace for any county, ſhall for every ſuch offence forfeit all ſuch corn, and ſhall alſo forfeit the ſum of twenty ſhillings, to be levied by diſtreſs and ſale of ſuch offenders goods; one moiety of which ſum of twenty ſhillings ſhall be to the informer, and the other moiety thereof, together with all ſuch forfeited corn, to the uſe of the poor of the pariſh where ſuch offence ſhall have been committed. Wetting or mixing gravel, &c.

(2) And in caſe no ſuch diſtreſs can be had, then every ſuch offender ſhall, by warrant under the hand and ſeal of the ſaid lord mayor, or any juſtice of the peace for the city of Dublin, or of any chief magiſtrate for any city, town, or corporation, or of any juſtice of the peace for any county where ſuch offence ſhall have been committed, be ſent to the houſe of correction, there to be whipped and kept to hard labour for any ſpace of time not exceeding three weeks. Committal and whipping.

XVIII. *Stat.* 1 *Geo.* 3. *cap.* 17. *ſect.* 9. An act paſſed in the eleventh year of the reign of his late Majeſty, *for the buying and ſelling of all ſorts of corn and meal, and other things therein mentioned by weight, &c.* which act was continued and amended by an act made in the nineteenth year of his ſaid late Majeſty's reign, *for amending and continuing an act*, intitled, *An act for the buying and ſelling all ſorts of corn, meal, and other things therein mentioned, by weight, &c.* having expired, the ſame were revived with alterations, amendments, and additions thereto, by an act made in the twenty ninth year of the reign of his late Majeſty, *for reviving and amending an act paſſed in the eleventh year of his ſaid late Majeſty's reign, &c.* as alſo one other act made in the nineteenth year of his ſaid late Majeſty's reign, *for continuing and amending an act for buying and ſelling of all ſorts of corn and meal, and other things therein mentioned, by weight, &c.* which ſaid ſeveral acts are now expired: the ſaid recited acts, ſo far only as the ſaid acts relate to the buying and ſelling all ſorts of corn and meal, and other things therein mentioned, by weight, and for the more Revival of St. 11 G. 2. c. 11. St. 19 G. 2. c. 17.

more effectual preventing the frauds committed in the buying and ſelling thereof, ſhall be made perpetual.

Premiums,

XIX. *Stat.* 5 *G.* 3. *cap.* 18. *ſect.* 1. Whereas the induſtry of the inhabitants of this kingdom has conſiderably increaſed ſince premiums were firſt introduced to encourage arts and manufactures, it is enacted, that eight premiums, amounting to the ſum of two hundred pounds, ſhall be paid on the firſt day of January 1767, to the land-holders and farmers of each county in this kingdom, in the proportions herein after mentioned, who ſhall then have in their own poſſeſſion the greateſt quantity of corn reaped from ground occupied by them, and preſerved upon ſtands erected in the open air, four feet at leaſt from the ground, and conſtructed in ſuch manner that the air may paſs under the corn, and that it may be defended from vermin, by projecting flag-ſtones or ſlates.

landholders and farmers,

corn on ſtands.

Quantity of corn.

XX. *ſect.* 2. Provided, that no land-holder or farmer ſhall be intitled to ſuch premium, who ſhall have a leſs quantity in his poſſeſſion than the quantity of corn herein annexed to each premium; one premium of fifty pounds for any quantity of corn, not leſs than five hundred barrels; one premium of forty pounds for any quantity of corn, not leſs than four hundred and fifty barrels; one premium of thirty pounds for any quantity of corn, not leſs than four hundred barrels; one premium of twenty five pounds for any quantity of corn, not leſs than three hundred and fifty barrels; one premium of twenty pounds for any quantity of corn, not leſs than three hundred barrels; one premium of fifteen pounds for any quantity of corn, not leſs than two hundred and fifty barrels; one premium of twelve pounds for any quantity of corn, not leſs than two hundred barrels; and one premium of eight pounds for any quantity of corn, not leſs than one hundred barrels.

Barrel by weight.

XXI. *ſect.* 3. And to aſcertain the barrel, twenty ſtones of wheat, meſlin, or rye, ſixteen ſtones of bere, or barley, and fourteen ſtones of oats ſhall be a barrel of each ſpecies of corn reſpectively.

Notice in writing.

XXII. *ſect.* 4. Every perſon intending to claim any of the ſaid premiums, ſhall, one month before they make ſuch claim, ſend notice in writing to the ſecretary of the Dublin Society of the quantity and ſpecies of corn then in their poſſeſſion.

Account to be publiſhed.

XXIII. *ſect.* 5. And the ſaid ſecretary ſhall cauſe an account of the quantities and ſpecies of corn, ſo returned unto him, diſtinguiſhing the counties, to be publiſhed in the nature of a news paper, once in every week for a month, after he ſo receives the ſame.

Aſcertaining the quantity.

XXIV. *ſect.* 6. And before they ſend ſuch notice as aforeſaid to the ſecretary of the Dublin Society, they are hereby required to cauſe ten barts of each ſpecies of corn to be taken from off each ſtand (if more than one) five barts from one part of ſuch ſtand, and five barts from another part of ſuch ſtand, and to have the ſame threſhed, and the return thereof winnowed and cleaned, and is hereby required to ſend, in ſuch notice, the exact produce of ſaid barts ſo threſhed.

Payment of the premiums.

XXV. *ſect.* 7. The vice-treaſurers of this kingdom, or their deputies, ſhall pay the premiums aforeſaid, which ſhall be allowed to them in their accounts, to the land-holders and farmers of ſuch county, who ſhall appear to have the greateſt quantity of corn, not leſs than the quantities aforeſaid, in their poſſeſſion at the time aforeſaid, preſerved as herein ſet forth.

Affidavit to be produced.

XXVI. *ſect.* 8. Provided, that before any perſon ſhall receive any of the aforeſaid premiums, ſuch perſon ſhall produce to the ſaid vice-treaſurers, or their deputies,

deputies, his own affidavit, and alſo the affidavit of two other perſons employed by him in the care and management of the corn in his poſſeſſion, ſworn before two juſtices of the peace, ſetting forth the quantity of ground tilled; the pariſh and barony where the ſame lies; that the ſame was tilled by him or his order, and occupied by him; the number, height, and dimenſions of his ſtands; of what materials conſtructed; the ſpecies of corn upon ſuch ſtand or ſtands; the number of barts, and the exact produce of ſuch barts as were taken from ſuch ſtands, and threſhed, and that the ſame were taken indifferently; and what number of barrels of corn, to the beſt of their judgment, ſuch ſtands contain.

Certificate of the miniſter, &c.

XXVII. *ſect.* 9. And every perſon claiming any of the aforeſaid premiums, ſhall, together with the ſaid affidavits, deliver to the ſaid vice-treaſurers, or their deputies, a certificate ſigned by the rector or vicar, or in his or their abſence, by the curate of the pariſh in which ſuch corn grew, that he hath viewed the ſtands, and corn mentioned in ſaid affidavits, and believes the contents of the ſaid affidavits to be true.

Swearing falſely.

XXVIII. *ſect.* 10. If any perſon ſhall wilfully ſwear falſely in any ſuch affidavit as aforeſaid, ſuch perſons, when convicted thereof, ſhall ſuffer as perſons convicted of wilful and corrupt perjury.

Premiums for 7 years.

XXIX. *ſect.* 11. And the like premiums, ſubject to the ſame conditions and reſtrictions, ſhall be paid yearly upon every firſt day of January, for the term of ſeven years from the ſaid firſt day of January 1767, and to the end of the then next ſeſſions of parliament.

Prices of grain, ſhipping,

XXX. *Stat. 5 Geo. 3. cap. 19. ſect.* 1. Whereas the laws heretofore made for the encouragement of tillage in this kingdom, have not had the deſired effect; it is enacted, that after the firſt day of March, in the year 1767, when wheat ſhall not exceed the price of ſix ſhillings *per* hundred weight, barley the price of three ſhillings and nine pence *per* hundred weight, and oats the price of three ſhillings *per* hundred weight, any merchant, or other perſon who ſhall put on ſhipboard in Britiſh or Iriſh ſhipping, the maſter and two thirds of the mariners at leaſt being his Majeſty's ſubjects, any of the ſaid ſorts of corn in any port within this kingdom, when the rates ſhall not be higher than as before mentioned, with intent to export the ſame beyond the ſeas (except to the Iſle of Man) ſhall, after entering into ſuch bond, and performing the ſeveral other requiſites directed by an act of parliament made in this kingdom, in the twenty ninth year of the reign of his late Majeſty king George the ſecond, have and receive from the collector or officer of ſuch port reſpectively, inſtead of the allowances to be made by virtue of the ſaid act, the rates, allowances, or premiums following, and no more (that is to ſay) for every hundred weight of wheat, eight pence; for every hundred weight of barley, five pence; for every hundred weight of oats, five pence; which ſaid ſeveral ſums of money reſpectively, ſuch collector or officer is hereby required to pay to ſuch exporter, upon demand, without requiring or taking any cuſtom, fee, or reward, for ſuch corn ſo laden to be exported.

requiſites to be performed,

premiums,

payments to the exporter.

Requiſites by 29 G. 2.

Note, the requiſites preſcribed by the ſaid former act, 29 G. 2. c. 9. are, that every perſon, who ſhall put on ſhip-board with intent to export the ſame, any of the ſaid ſorts of corn where the rates ſhall not be higher than as before mentioned, with intent to export the ſame beyond the ſeas, ſhall bring a certificate in writing, under their hands, containing the quantity and quality of the corn or malt ſo ſhipped, to the collector, or other perſons appointed to collect the

cuſtoms

cuſtoms within any ſuch port, and upon proof made of ſuch certificate, by one credible witneſs upon oath, which oath the ſaid collector or other officer is required to adminiſter, as alſo annexing an affidavit to ſuch certificate, that the ſaid corn or malt is ſhipped with intent to export the ſame; which affidavit ſhall be ſworn before the ſaid collector, or officer, and upon giving bond by every ſuch perſon, in the penalty of double the value of ſuch corn or malt ſo ſhipped, conditioned that the ſaid corn or malt (danger of the ſeas excepted) ſhall be exported into parts beyond the ſeas, and not be again landed in this kingdom; except in caſe the ſhips in which ſuch corn or malt ſhall be on board receive damage, whereby the unloading the ſame becomes neceſſary, and that in ſuch caſe, the ſaid corn or malt ſhall be again, with all convenient ſpeed, loaded on board the ſaid ſhips, or ſome other ſhips, and tranſported.

Preſentments of the rates.

XXXI. *ſect.* 2. From the firſt day of March, in the year 1767, all preſentments of the rates or prices of corn ſhall be by the ſtone weight.

Failure of grand juries,

XXXII. *ſect.* 3. And if any grand jury of any county within this kingdom, or any grand jury of any county of a city, or county of a town, ſhall at any general quarter-ſeſſions fail to enquire upon oath, and preſent ſuch rates or prices, the juſtices of the peace attending ſuch quarter ſeſſions are hereby required to fine every grand juror offending herein, in any ſum not exceeding forty ſhillings; and ſhall cauſe ſuch fine to be eſtreated into his Majeſty's court of exchequer, for the recovery whereof proceſs ſhall iſſue, as in ſuch caſes is uſual.

fine of 40s.

Times of payment.

XXXIII. *ſect.* 4. The ſaid rates, allowances and premiums ſhall be paid from the firſt day of March to the firſt day of September, both incluſive, and ſhall not be paid in any other part of the year.

Exportation from Dublin,

XXXIV. *ſect.* 5. Every perſon who ſhall export wheat, barley, or oats from the port of Dublin, ſhall, before he receives any of the ſaid premiums or allowances, make oath before the officer paying ſuch premiums or allowances, that he verily believes no premiums or allowance hath been given for bringing the ſaid wheat, barley, or oats, or any part thereof to the ſaid city of Dublin, under the acts made in this kingdom, for granting premiums upon the inland carriage of corn, or any of them, and ſhall alſo ſet forth in the ſaid affidavit the counties, and pariſhes, in which he verily believes the ſaid corn grew.

inland carriage.

Suſpending premiums.

XXXV. *ſect.* 6. Provided, that the lord lieutenant, or other chief governors for the time being, and privy council, ſhall be empowered to ſuſpend the payment of the ſaid premiums or allowances, or any of them, from the ſaid port of Dublin.

Continuance.

XXXVI. *ſect.* 7. This act ſhall continue in force until the firſt day of March 1772, and no longer.

No premium for flour of wheat under 31 G. 2. c. 3. or 33 G. 2. c. 12.

XXXVII. *Stat.* 7 *Geo.* 3. *cap.* 12. *ſect.* 1. No bounty ſhall be paid under the 31ſt or 33d of *Geo.* 2. for flour or meal of wheat brought by land to Dublin: perſons bringing by land, ſound, clean, merchantable flour of wheat of this kingdom from any place where made within this kingdom, and who ſhall ſell in the uſual publick markets in Dublin, St. Sepulchre, Thomas Court, or Donore, or deliver to a factor to ſell, ſhall on performing requiſites after mentioned receive from the paymaſter as a premium or bounty for every hundred (112 pounds to be computed) brought from a greater diſtance than five miles from

from Dublin caſtle three pence for every five miles, and ſo in proportion for any leſſer number of miles. 3d. per 100 every 5 miles.

XXXVIII. *ſect.* 2. No perſon intitled to ſaid bounty, unleſs he firſt delivers to ſaid paymaſter within three months after ſuch flour ſo brought and ſold, an affidavit by the owner or his clerk before a juſtice of the county from whence brought, which ſuch juſtice is to take without fee or reward, and ſet forth the quantity, name of the place where made, and number of miles diſtant from Dublin caſtle, each in words not figures, and that the wheat was to beſt of his knowledge and belief of the growth of this kingdom, and that ſuch flour is as free from bran or pollard, as flour of that quality ought; and alſo deliver a certificate under hand and ſeal of a juſtice, that ſuch affidavit was made before him, and that he believes the particulars to be true; and alſo deliver an affidavit by a credible perſon, that ſuch certificate was ſigned and ſealed by the perſon whoſe name is ſubſcribed, and the names of the owners of ſuch flour, the quantity, and where made, and that it has been ſold in a publick market or uſual place in Dublin, Saint Sepulchre, Thomas Court or Donore, or delivered to a merchant or factor named to ſell, and that he or any other perſon to his belief has not received any premium for it; and alſo deliver a note from the craner of the market where ſold (which he is to give without fee or reward) of the quantity, and day of the month and year. The flour to be ſold in three months after ſo brought to Dublin. Owners affidavit before a juſtice; juſtice's certificate; affidavit to paymaſter; craner's note; ſale in 3 months.

XXXIX. *ſect.* 3. If delivered to a factor, he in lieu of ſaid craner's note ſhall make affidavit before paymaſter of owner's name, the quantity, time of receiving it, and place of ſale, and that he or any other to his belief has not received any premium. Factor's affidavit.

XL. *ſect.* 4. Perſons who bring merchantable wheat, rye, meſlin, bere, barley, malt, oats, and French or pearl barley, by land to Dublin from any place where it grew in this kingdom, above five miles, and perform the requiſites in ſaid act, ſhall receive the bounties in ſaid acts for every five miles, and an additional halfpenny *per* mile every forty ſtone, and ſo in proportion. Additional bounty one halfpenny every ſtone.

XLI. *ſect.* 5. If any forge or knowingly produce forged certificate, note, or affidavit, or knowingly ſwear falſe, guilty of felony, and tranſported to the plantations ſeven years. Forgery.

XLII. *ſect.* 6. If any juſtice ſign a blank certificate, or any knowing it falſe, on information in B. R. for ever diſabled. Signing blank certificate, diſabled.

XLIII. *ſect.* 7. Craner refuſing ſuch note to perſon intitled, ſhall forfeit forty ſhillings to him by civil bill; giving falſe note ten pounds by civil bill to him who ſhall ſue. Craner refuſing note.

XLIV. *Stat.* 7 *Geo.* 3. *cap.* 20. *ſect.* 9. The act 25 G. 2. with the ſeveral amendments thereto by 31 G. 2. and all the clauſes, articles, and proviſoes therein, revived and continued ſeven years, and from thence to the end of then next ſeſſion after expiration of ſaid ſeven years. 25 G. 2. c. 15. as amended by 31 G. 2. c. 9. continued 7 years, &c.

XLV. *Stat.* 7 *Geo.* 3. *cap.* 24 *ſect.* 1. Perſons who after 1 July 1768, import ſound, merchantable wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley of the growth and produce of this kingdom by water coaſtways to the city of Dublin from any port or place ſouthward of Dublin, nor nearer than Wicklow nor further than the Tuſcar, or from any port or 4d. per 100 corn, &c. brought coaſtways and ſold in Dublin.

place to northward of Dublin not nearer than Drogheda, nor farther than Carrickfergus, and ſhall ſell or diſcharge in publick markets or places where corn or malt uſually ſold in Dublin, ſhall, upon performing requiſites herein, receive from collector of Dublin four pence *per* hundred weight.

If ſouthward of Tuſcar, and northward of Carrickfergus, 5d.

XLVI. *ſect.* 2. Imported from any place ſouthward of the Tuſcar or northward of Carrickfergus, and ſo ſold and diſcharged in Dublin, five pence *per* hundred.

South of Cooley Point to Newry, Belfaſt, or Londonderry, 4d.

XLVII. *ſect.* 3. From any place ſouthward of Cooley Point near Carlingford in county of Louth to Newry, Belfaſt, or Londonderry, and ſold and diſcharged in any markets or places where uſually ſold in or near ſuch ports, four pence *per* hundred.

Notice of quantity and quality before ſhipped;

XLVIII. *ſect.* 4. Maſter of the veſſel, in which brought to Dublin, Newry, Belfaſt, or Londonderry, ſhall, before the ſame is ſhipped, give notice in writing to the collector or principal officer of the port or diſtrict, ſpecifying the quantity and quality, who ſhall thereupon direct an officer of the port or diſtrict to attend the ſhipping, and as ſoon as ſhipped return in writing to ſuch collector or principal the quantity, quality, and name of the veſſel,

return;

maſter, and time of ſhipping; ſaid return ſhall be ſigned by ſuch officer making it; the quantity, for which the premiums ſhall be paid, ſhall not exceed the return.

maſter's affidavit;

The maſter after ſhipping ſhall make affidavit before ſuch collector or neighbouring juſtice (which they are impowered and required to take without fee or reward) of the quantity and quality, and mention real owners names, and where they reſide.

collector's certificate;

Collector or principal officer ſhall thereupon deliver to ſuch maſter a certificate under hand and ſeal of the quantity and quality, name of maſter and owner, and by next poſt tranſmit to the officer appointed by act of parliament for paying premiums upon land carriage of corn and flour to Dublin, or to collector of the port where intended to be landed, true copies of all ſuch returns, affidavits, and certificates.

copies tranſmitted.

Delivery of certificate, maſter's affidavit.

XLIX. *ſect.* 5. Maſter upon arrival in Dublin ſhall deliver to ſaid officer, or on arrival at any of ſaid ports to the collector, ſuch certificate, and alſo make affidavit before ſuch officer of the quantity and quality, owners names, and place whence.

Forgery or perjury, impriſonment.

L. *ſect.* 6. If any forge ſuch certificate, affidavit, or note, and produce to ſuch officer, knowing it forged, or knowingly ſwear falſe, on conviction ſhall ſuffer ſuch impriſonment as for wilful perjury by the laws of this kingdom.

Accounts as for land carriage; ſaid officer furniſhed and allowed in like manner.

LI. *ſect.* 7. Such accounts ſhall be kept of the ſeveral payments in purſuance of this act, as are directed to be kept by the ſeveral acts relative to the premiums on land carriage of corn and flour to Dublin. The officer appointed by ſaid acts for paying ſaid premiums ſhall from time to time be furniſhed with money to pay the premiums by this act for all corn imported coaſtways to Dublin, in ſame manner and by ſame perſons as by ſaid acts; and collectors of ſaid ports ſhall be allowed reſpectively in their accounts whatever ſums they ſhall pay in purſuance of this act.

No fees.

LII. *ſect.* 8. None of the officers before mentioned ſhall take any fee or reward whatſoever for any thing done in purſuance of ſaid directions.

Continued to 24 June 1770.

LIII. *ſect.* 9. This act ſhall continue until 24 June 1770, and no longer.

LIV. *Stat.* 7 *Geo.* 3. *cap.* 28. *ſect.* 1. The 200l. given by an act to amend an act for preſervation of corn in each county, inſtead of being divided into the proportions or premiums therein ſet forth, ſhall be divided in following manner; 100l. into four premiums, one of 40l. for any quantity of corn not leſs than 4000 ſtone of wheat or 8000 ſtone of any other corn; one of 30l. for any quantity not leſs than 3000 ſtone of wheat or 6000 of any other corn; one of 20l. for not leſs than 2000 of wheat or 4000 of other corn; and one of 10l. for 1000 of wheat or 2000 of other corn. The ſaid claſs of premiums payable on firſt of January 1769, in each county to landholders or farmers occupying in their own poſſeſſion not leſs than 150 acres, who ſhall then have the greateſt quantity of corn, the produce of their land, and ſhall have reaped the harveſt precedent not leſs than the quantities aforeſaid, preſerved on ſtands erected in the open air, as in ſaid act. If any of the higher premiums for any county remain not claimed, and at ſame time two or more claimants in that county for any of the lower premiums, the premiums not claimed ſhall be diſpoſed in premiums to perſons, who have the greateſt quantity not leſs than the quantities herein mentioned for the leſſer premiums.

The 200l. in 5 G. 3. c. 18. ſ. 1. divided;

100l. in 4 premiums;

1 Jan. 1769 to occupiers of 150 acres preſerved on ſtands; if not claimed by the higher, diſpoſed to the lower.

LV. *ſect.* 2. The other 100l. may be divided into five premiums, of 30, 25, 20, 15, and 10 pounds; the ſaid claſs payable on 1ſt January 1769 to the five land-holders or farmers in each county occupying in their own poſſeſſion not leſs than forty acres nor exceeding two hundred and fifty, who ſhall then have the greateſt quantity reaped from the land occupied by them the harveſt preceding, and preſerved on ſtands in open air as in ſaid act.

100l. in 5 premiums for 40 acres.

LVI. *ſect.* 3. Whereas 4539l. for January 1767 and 2945l. for 1768 remain not claimed, a further ſum of 50l. may be yearly paid in each county to the loweſt claſs of farmers, who hold not more than forty acres nor leſs than five, to be divided into five premiums of 15, 12, 10, 8, and 5 pounds, and paid on firſt of January 1769 to the five farmers of ſaid loweſt claſs who ſhall then have the greateſt quantity of corn reaped from their farms reſpectively the harveſt precedent, and preſerved on ſtands in open air as in ſaid act; land-holders or farmers living within any county of city or town conſidered as intitled to any premiums aforeſaid in ſame manner to all intents and purpoſes as the inhabitants of the county at large.

Further 50l. to loweſt claſs in 5 premiums;

living in counties of towns intitled.

LVII. *ſect.* 4. Claimants ſhall give ſuch notice, as ſaid act requires, to the ſecretary or aſſiſtant of Dublin Society, mentioning the pariſh, barony, and county, wherein the corn and ſtands lie, number of ſtands, and of barts on each, and number of barts of each ſpecies of corn on each ſtand; and if more than one ſpecies on the ſame ſtand, the proof barts muſt be taken from each ſpecies, and the produce returned as ſaid act directs: ſaid ſecretary ſhall publiſh weekly as he receives, diſtinguiſhing pariſhes, baronies, and counties, until the firſt of January each year; and if not more than 400 barts on any one ſtand, or if there ſhall be different ſpecies of corn on ſame ſtand, and no more than 400 barts of any one ſpecies upon ſuch ſtand, then inſtead of taking down ten proof barts to threſh, as ſaid act directs, it ſhall be ſufficient to take down only ſix barts from ſuch ſtand, containing no more than 400 barts of any one ſpecies, and to return the exact produce of the ſame when threſhed, as ſaid act directs; and ſaid ſix proof barts or ten proof barts, in caſe the number of barts of every one ſpecies on any ſtand ſhall exceed 400, may be taken down from the ſtand or ſtands, as the corn is making up; provided taken indifferently and without any choice of the largeſt ſheafs, half from one part and half from another of ſuch ſtand or ſtands.

Notice to ſecretary of Dublin ſociety;

proof barts from each ſpecies, publiſhed weekly;

6 barts taken down; produce returned when threſhed;

taken down indifferently.

Affidavits and certificates returned,

LVIII. *ſect.* 5. Affidavits and certificates, neceſſary by this and ſaid act to intitle claimants, returned to ſaid ſecretary, who is to lay the ſame without delay before ſaid ſociety, who are impowered to judge from the ſame of each claimant's merit; in framing which judgment one ſtone of wheat always conſidered as equal to two of any other ſpecies; and barley or bere preferred to oats wherever the number of ſtones equal: if ſeveral claimants for ſame premium, whoſe merits ſo nearly equal, that doubt may ariſe, the claimant, who has tilled the largeſt proportion of his farm, and has the greateſt return of corn by the acre from the land ſo tilled by him, ſhall have preference.

1 ſtone of wheat equal to 2 of others, barley and bere preferred to oats, preference to tilling largeſt proportion and return.

Owner aſſiſting affidavit of one ſufficient, otherwiſe 2, owner's affidavit.

LIX. *ſect.* 6. Where farmer or owner himſelf aſſiſts in ſtacking and management of his corn, his own affidavit with affidavit of one other aſſiſting him ſufficient; but where owner does not aſſiſt himſelf, there muſt be affidavit of two employed by him, as ſaid act directs; but owner's affidavit need in ſuch caſe only ſet forth the quantity of land tilled by him or his order, and that the ſame is occupied by him, and in what barony, pariſh, and county it lies, the quantity of each ſpecies, produce of ſaid lands ſo tilled, or part of the produce then upon his ſtands, to the beſt of his judgment, ſuppoſing the ſame to be then all threſhed and cleaned, and that he verily believes the affidavits of the two perſons employed by him in management of his corn to be ſtrictly true.

Certificate to claimants,

LX. *ſect.* 7. When Dublin Society determines the merits of claimants, their ſecretary or aſſiſtant ſhall deliver to claimants, to whom premiums adjudged, a certificate ſigned by ſecretary, or aſſiſtant, or preſident, or one vice-preſident, or five members, ſetting forth the premium adjudged; on delivery of which and claimant's receipt on the back to vice-treaſurers or deputies, they ſhall pay the ſum which ſhall be allowed in their account.

payment by vice-treaſurer.

Certificate of a juſtice, where miniſter prevented.

LXI. *ſect.* 8. Where ſickneſs or other accident prevents rector, vicar, or curate of the pariſh from viewing claimants ſtands ſo as to give ſuch certificate, as ſaid act requires, a neighbouring juſtice certifying as by ſaid act ſhall anſwer the purpoſe: but no claimant intitled to premium, not producing ſuch certificate either of rector, vicar, curate, or juſtice to the ſecretary or aſſiſtant.

Bere or barley threſhed before 1ſt Jan. and claim allowed.

LXII. *ſect.* 9. Perſons who make up any quantity of bere or barley on ſtands, and perform the other requiſites in this and ſaid acts, may take down and threſh it, as ſoon as thought neceſſary, altho' before firſt of January every year, and have the benefit of ſuch bere or barley, and be allowed for the ſame in claim, as effectually as if preſerved on the ſtands on which erected until firſt of January every year.

Forgery, and falſe ſwearing.

LXIII. *ſect.* 10. Perſons wilfully forging falſe certificate, or ſwearing falſe in any affidavit aforeſaid, when convicted, ſuffer as perſons convicted of wilful and corrupt forgery or perjury.

Like premium 7 years.

LXIV. *ſect.* 11. Like premiums, ſubject to ſame conditions and reſtrictions, in this and ſaid act, ſhall be paid yearly for 7 years from 1ſt January 1769, and to the end of then next ſeſſion.

5 G. 3. c. 19. to 24 June 1772, &c.

LXV. *Stat.* 11 *Geo.* 3. *cap.* 2. *ſect.* 5. An act 5 G. 3. c. 19. continued until 24 June 1772, and to the end of then next ſeſſion.

Injuring perſons or property to hin-

LXVI. *Stat.* 11 *Geo.* 3. *cap.* 7. *ſect.* 1. If any perſon wilfully and maliciouſly beat, wound, or uſe any other violence to or upon any perſon with intent

intent to deter or hinder him from buying corn, grain, or potatoes in any market or other place within this kingdom, or unlawfully ſtop or ſeize upon any carriage or horſe loaded with wheat, flour, meal, malt, or other grain, or potatoes in or on the way to or from any city, market town, ſea port, or other uſual place of ſhipping corn, or potatoes, or wilfully and maliciouſly break, cut, ſeparate, or deſtroy the ſame or any part, or the harneſs of the horſes drawing, or unlawfully take off, drive away, kill or wound any ſuch horſes, or beat or wound the driver of ſuch carriage or horſe ſo loaded in order to ſtop the ſame, or by cutting the ſacks or otherwiſe ſcatter or throw abroad ſuch wheat, flour, meal, malt, or other grain, or potatoes, or take and carry away, ſpoil or damage the ſame or any part, or diſtribute, or compel the owner or his ſervant or carrier to diſtribute or otherwiſe depart from poſſeſſion thereof, contrary to his conſent, being thereof lawfully convicted before two juſtices of the county, county of city or town, or place corporate, wherein ſuch offence committed, or the juſtices in open ſeſſion, (who are impowered ſummarily and finally to hear and determine) upon confeſſion of the party or oath of one or more perſons, he ſhall be ſent to the common gaol or houſe of correction and kept to hard labour, not exceeding three months nor leſs than one, and alſo ordered to be once publickly and openly whipped by the keeper of ſuch gaol in ſuch city, market town, or ſea port, in or near which ſuch offence committed, on the firſt convenient market day, at the market croſs, or place there between eleven and two of the clock.

der buying corn or potatoes, impriſoned not above 3 months nor leſs than 1, and whipped.

LXVII. *ſect.* 2. If any ſo convicted commit any of ſaid offences a ſecond time, or wilfully and maliciouſly pull, throw down, or deſtroy any ſtorehouſe, or granary, or other place where corn then kept in order to be exported or ſent from one part to another of this kingdom coaſtways, or unlawfully enter ſuch place and take and carry away any corn, flour, meal, or grain therefrom, or throw abroad or ſpoil any part, or unlawfully enter on board any ſhip, barge, boat, or veſſel, and wilfully and maliciouſly take and carry away, caſt or throw out therefrom, or otherwiſe ſpoil or damage any meal, flour, wheat, or other grain therein, intended for exportation or to be ſent coaſtways, being lawfully convicted, adjudged guilty of felony, and tranſported five years as other felons by the laws and ſtatutes of this realm; offenders ſo tranſported returning before ſaid five years, ſuffer death as a felon without benefit of clergy.

2d offence, or deſtroying granaries &c. entering ſhips, and ſpoiling the grain, &c.

tranſportation 5 years, returning ſooner, death.

LXVIII. *ſect.* 3. No attainder from any offence made felony by this act ſhall work corruption of blood, loſs of dower, or diſinheritance.

No corruption of blood, &c.

LXIX. *Stat.* 11 & 12 *Geo.* 3. *cap.* 9. *ſect.* 1. After the 24th of June 1772, no perſon intitled to receive any bounty for bringing flour to the city of Dublin, unleſs the owner, or ſome perſon employed by him to take care of the ſame, where it was made, do, before it is brought to Dublin, make an affidavit before a juſtice of the county, in which ſuch flour was made, or chief magiſtrate of any town corporate, who are hereby impowered to adminiſter the ſame, which affidavit ſhall ſet forth the quantity of ſuch flour of wheat, name of the place where made, and number of miles ſuch place is diſtant from his Majeſty's caſtle in Dublin, each to be expreſſed in words, not figures, and that the wheat, whereof ſuch flour was made, was to the beſt of the knowledge and belief of the perſon making ſuch affidavit, of the growth of this kingdom, and that ſuch flour is as free from bran or pollard, as flour of that quality ought to be, and that neither he nor any other perſon to his belief,

Affidavit by owner of flour, or perſon employed before a juſtice where made, or chief magiſtrate,

quantity, place, diſtance, in words,

growth of this kingdom,

free from bran or pollard,

no premium received if illiterate, oath that truly read, belief, has received any premium for the ſame, or made any affidavit, but the preſent, to intitle him to a premium for the ſame: and if the perſon making ſuch affidavit be illiterate, it ſhall be made to appear upon oath of ſome other perſon, that ſuch affidavit was truly read to him, before ſuch juſtice or chief magiſtrate ſhall adminiſter the foregoing affidavit to him; and there ſhall be delivered to the perſon appointed for paying thoſe premiums, ſuch certificates and affidavits as are required by the former acts.

certificate and affidavit delivered, as by former acts.

Forging, or knowingly producing forged, to receive the premium, LXX. *ſect.* 2. If any perſons forge ſuch certificate, affidavit, or craner's note, as in this or the former acts, or any of them is or are mentioned and directed, or produce to paymaſter or his deputy, any ſuch certificate, affidavit, or craner's note, knowing the ſame to be forged or falſe, with intent to receive the benefit of the ſaid premium or bounty, or ſhall knowingly ſwear any thing, which is falſe, in any ſuch affidavits, or fraudulently aſſume or take any falſe or fictitious name in any ſuch affidavit, he, ſhe, or they, upon conviction, ſhall for the firſt offence be publickly whipped on a market day in each of the three ſucceſſive weeks next after conviction; and for ſuch next offence, adjudged guilty of felony, and tranſported for ſeven years to ſome one of the plantations in America; and if any perſons knowingly aiding or aſſiſting in making, procuring, or obtaining any ſuch forged or falſe affidavit, they ſhall, upon conviction, for the firſt offence, be in like manner three times publickly whipped; and for ſuch next offence deemed guilty of felony, and tranſported for ſeven years, to ſome one of the plantations in America.

falſe ſwearing, fictitious names, firſt offence whipt, ſecond felony, tranſportation 7 years, like penalty on aiding or procuring.

Paymaſter may appoint one during ſickneſs or neceſſary abſence. LXXI. *ſect.* 3. In caſe of ſickneſs or neceſſary abſence of Roger Palmer, the preſent paymaſter of the corn premiums, he may appoint a proper and diſcreet perſon, for whom he ſhall be anſwerable, to execute the ſaid office in his place and ſtead, during ſuch ſickneſs or neceſſary abſence, with like powers of adminiſtering oaths as the principal hath.

Firſt approved by commiſſioners of exciſe. LXXII. *ſect.* 4. Such perſon ſo to be appointed, ſhall, before he ſhall act in the ſaid office, be approved of by the commiſſioners of revenue of exciſe, or any three, by writing under their reſpective hands and ſeals.

If brought to be weighed again, LXXIII. *ſect.* 5. After the twenty fourth June one thouſand ſeven hundred and ſeventy two, if any corn, meal, malt, or flour, which has been weighed at a publick crane in Dublin, the liberties of St. Sepulchre's, Thomas-court, or Donore, and for which a craner's note has been obtained, ſhall again be brought to any of the ſaid cranes, to be again weighed; or any ſhall be weighed at any of the cranes before mentioned in the name or names of any but the real owner or owners, or if any affidavit made before juſtice of the peace, chief magiſtrate, or paymaſter of the corn premiums, ſuch corn, meal, malt, or flour, is ſaid to be brought from any place at a greater diſtance from the caſtle of Dublin, than that from which it was really brought, upon proof thereof in a ſummary way before the lord mayor of Dublin, or two juſtices of the peace, ſuch corn, meal, malt, or flour, ſhall be forfeited; one moiety to the uſe of the informers, and the other to the uſe of the foundling hoſpital.

or in any name but real owners,

or a greater diſtance ſworn to, ſummarily heard, forfeited, to informer and foundling hoſpital.

When middling Iriſh wheat at ports as by 29 G. 2. c. 9. or this act, exceed not 12. Engliſh per ſtone, rye, peas, or beans, 8s. per LXXIV. *Stat.* 13 & 14 *Geo.* 3. *cap.* 11. *ſect.* 1. After the twenty fourth of June one thouſand ſeven hundred and ſeventy four, whenever the prices of middling Iriſh wheat, at the ports or places where the ſame ſhall be exported, ſhall appear, according to the methods directed by an act of twenty ninth George the ſecond, or as herein after directed by this act, not to exceed one Engliſh ſhilling the ſtone, the price of middling Iriſh rye, peaſe or beans, twenty five

five Engliſh ſhillings the quarter, the price of middling Iriſh oats nine ſhillings Engliſh the quarter, every merchant or other perſon, who ſhall put on ſhip-board in Britiſh or Iriſh ſhipping, the maſter and two thirds of the mariners at leaſt being his Majeſty's ſubjects, any Iriſh wheat, meal, or flour, rye, peaſe, beans, oats, or oat-meal, with intent to export beyond ſeas, except to the Iſle of Man, ſhall, after entering into ſuch bond, and performing ſuch other requiſites, as directed by ſaid act, have and receive from the collector or officer of ſuch port reſpectively, inſtead of the allowances by ſaid act, the rates, allowances or premiums following, and no more, for every quarter of wheat, ground wheat, meal or wheat flour, three ſhillings and two pence Engliſh; of rye, peaſe, or beans ground or unground, two ſhillings and four pence Engliſh; of oats ground or unground one ſhilling and three pence Engliſh; the ſaid meaſures, except as herein after mentioned, to be aſcertained in ſuch manner as directed by ſaid act; which ſeveral ſums ſuch collector or officer is authorized and required to pay to ſuch exporter upon demand without requiring or taking any cuſtom, fee, or reward for ſuch corn, meal, or flour, ſo laden to be exported; any law, ſtatute, or uſage to the contrary notwithſtanding.

quarter, oats 9s. exporter in Britiſh or Iriſh ſhips (except to Man) the maſter and 2 thirds ſubjects performing requiſites, ſhall receive premium for wheat, meal, or flour, 3s. 2d. per quarter; rye, peaſe, or beans, 2s. 4d. oats, 1s. 3d.

paid on demand without fee.

LXXV. *ſect.* 2. After the twenty fourth of June, the half quarter or four buſhels of wheat, rye, peaſe, beans, meal, and flour of wheat or rye, ſo exported, ſhall contain and be equivalent to two hundred and twenty four pounds weight: and for greater expedition and aſcertaining the quantity thereof the proper officer attending the ſhipping where ſhipped off in ſacks, may make choice of and weigh two ſacks out of any number not exceeding twenty, and ſo in proportion for any greater quantity, before or after the ſame ſhall be put on board, and thereby compute the weight by proportioning the ſame accordingly; and the bounty-money thereupon ſhall be paid to exporter for ſo much, and no more, upon his producing a certificate from the proper officer, atteſting the quantity, quality, and weight, according to the ſaid computation.

4 buſhels 224lb.

the officer may chuſe and weigh 2 ſacks out of 20, and compute weight by proportioning;

bounty paid accordingly on his certificate.

LXXVI. *ſect.* 3. This act ſhall not extend to, nor any bounty be paid for any corn, flour, peaſe, beans, oats or oat-meal, exported from Dublin, or any of the creeks or members thereof, nor from any port, harbour, haven, or place from Drogheda ſouthward to Wicklow.

Except from Dublin, or between Drogheda and Wicklow.

LXXVII. *ſect.* 4. This act ſhall continue in force until the twenty-fourth of June 1779, and no longer.

Continued to 24th June 1779.

LXXVIII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 41. *ſect.* 4. An act fifth of his preſent Majeſty, entitled, *An act for the further encouragement of tillage in this kingdom*, continued to the twenty fourth of June 1776, and to end of then next ſeſſion.

5 G. 3. c. 19. continued to 24th June 1776, &c.

LXXIX. *Stat.* 15 & 16 *Geo.* 3. *cap.* 32. *ſect.* 2. An act the twenty fifth of George the ſecond, *for buying and ſelling corn, meal, and other things by weight, and preventing frauds in buying and ſelling*, continued to the 24th of June 1783, and to the end of the then next ſeſſion.

25 G. 2. c. 15, continued to 24 June, 1783, &c.

LXXX. *Stat.* 17 & 18 *Geo.* 3. *cap.* 29. *ſect.* 1. After firſt of January 1779, there ſhall be payable from time to time for all ſuch corn, (oat-meal excepted) malt or flour brought to Dublin along any canal or inland navigation, two-third parts of the premiums payable at ſuch time for the other inland carriage

For corn, &c. brought to Dublin by canals 2-3ds of premium payable on other carriage, for oatmeal ſuch premium.

carriage of ſuch corn, meal, malt, or flour, and no more; and for all oatmeal brought to Dublin along ſuch canal or navigation, ſuch premium as payable at ſuch time for the other inland carriage of ſuch oatmeal, any law heretofore notwithſtanding

Miles paid for computed by the ſhorteſt road.

LXXXI. *ſect.* 2. Provided in computing ſaid premiums the number of miles to be paid for ſhall be no more than the place from which ſuch corn, meal, malt, or flour brought, ſhall appear to be diſtant from the caſtle of Dublin by the ſhorteſt road ſubſiſting at the time of claiming ſuch premium.

13 G. 3. c. 11, continued to 25 Dec. 1781.

LXXXII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 31. *ſect.* 1. An act thirteenth of his preſent Majeſty, *for amending twenty ninth of George the ſecond, for further encouragement of tillage*, ſaid act continued until twenty fifth December one thouſand ſeven hundred and eighty one.

Importing coaſtway to Dublin from Wicklow to the Tuſcar ſouthward, Drogheda and Carrickfergus northward, 4d. per cwt. of wheat, &c. 1s. per cwt. flour and malt.

LXXXIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 34. *ſect.* 1. Whereas granting a bounty upon carriage by water coaſtways from the northern and ſouthern parts to Dublin will be a further encouragement to tillage and navigation, and tend to leſſen expence of bounties on inland carriage: all perſons, who after firſt day of Auguſt one thouſand ſeven hundred and ſeventy eight, import any found merchantable wheat, beans, peaſe, oats, bere, or barley, or any flour of wheat, malt made of bere or barley of oat-meal of growth and produce of this kingdom by water coaſtways to Dublin from any port or place ſouthward of Dublin, not nearer than Wicklow, nor farther than the Tuſcar, or from any port or place to the northward nearer than Drogheda, nor farther than Carrickfergus, and ſhall ſell and diſcharge the ſame in the publick markets or places where corn, flour, malt or oatmeal uſually ſold in Dublin, ſhall upon performing the ſeveral requiſites after mentioned receive from collector of the port of Dublin, or officer appointed to pay the premium upon inland carriage of corn and flour to Dublin, four pence *per* hundred weight for every hundred of ſuch wheat, beans, peas, oats, bere, barley or oatmeal imported or brought into Dublin as aforeſaid, and twelve pence *per* hundred for every hundred weight of ſuch flour made of wheat, and malt made of bere or barley imported into Dublin as aforeſaid.

From ſouth of the Tuſcar and north of Carrickfergus, 5d. per cwt. of wheat, &c. and 1s. 2d. per cwt. flour and malt.

LXXXIV. *ſect.* 2. All perſons, who after firſt Auguſt 1778, import or bring any ſuch ſound merchantable wheat, beans, peas, oats, bere, or barley, or flour of wheat, malt made of bere or barley, or oatmeal of growth and produce of this kingdom from any port or place ſouthward of the Tuſcar, or northward of Carrickfergus, by water coaſtways to Dublin, and ſhall ſell and diſcharge the ſame in the publick markets or places where ſuch wheat, beans, peas, oats, bere, or barley, or flour of wheat, malt, or oatmeal are uſually ſold in Dublin, ſhall in like manner, upon performing the requiſites after mentioned receive from collector of the port of Dublin five pence per hundred weight, for every hundred of ſuch wheat, beans, peas, oats, bere, or barley or oatmeal, and one ſhilling and two pence per hundred weight for every hundred of ſuch flour of wheat, and malt made of bere or barley.

Notice in writing by maſter and owner of quantity and quality intended to be ſhipped to collector of the port, who ſhall direct an

LXXXV. *ſect.* 3. The maſter of the ſhip, boat, or veſſel in which ſuch wheat, beans, peas, oats, bere or barley, or flour of wheat, malt made of bere or barley, or oatmeal, ſhall be brought to Dublin, and likewiſe the real owner, ſhall before the ſame ſhipped, give notice thereof in writing to the collector or principal officer of the port or diſtrict where ſhipped, and ſpecify in ſuch notice the quantity and quality intended to be ſhipped, and ſuch collector or principal

cipal officer ſhall thereupon direct one of the officers of ſuch port or diſtrict to attend the ſhipping; and as ſoon as the ſame ſhall be ſhipped, ſuch officer ſhall make a return in writing to ſuch collector or principal officer of the quantity and quality ſo ſhipped, and in ſuch return the name of the ſhip, boat or veſſel in which ſo ſhipped, and of the maſter thereof, ſhall be ſpecified, and alſo the time of ſhipping, and the ſaid return ſhall be ſigned by ſuch officer making the ſame; and the quantity for which the premiums ſhall be paid, ſhall not exceed the quantity ſet forth in ſuch return; and the maſter of ſuch ſhip, boat or veſſel, ſhall after ſuch wheat, beans, peas, oats, bere or barley, or flour of wheat, malt, or oatmeal, ſo ſhipped, make an affidavit before ſuch collector, or before ſome neighbouring juſtice of peace (which oath they are reſpectively required to adminiſter without fee or reward) of the quantity and quality ſo ſhipped; and likewiſe the owners of ſuch articles ſhipped ſhall make like affidavits in manner aforeſaid, mentioning their places of reſidence, and the quantity and quality of the articles ſo ſhipped by them reſpectively, and that the ſame are of the growth of this kingdom, and that no part ſo ſhipped has ever received any bounty for carriage by land, or coaſtways; and ſuch collector or principal officer ſhall thereupon deliver to ſuch maſter a certificate under his hand and ſeal, in which ſhall be mentioned the quantity and quality ſo ſhipped, and alſo the name of the maſter and owner and owners of ſuch cargo, and their place of reſidence; and ſuch collector or principal officer ſhall by the next poſt tranſmit to collector of the port of Dublin true copies of all ſuch returns, affidavits and certificates, which copies he is required to file and keep ſafe.

officer to attend, and make return,

premium paid purſuant to return,

affidavits by maſter and owner,

of quantity and quality ſhipped, reſidence, growth of this kingdom and that no bounty received,

collector to give certificate to the maſter,

and tranſmit copies to Dublin collector.

LXXXVI. *ſect.* 4. The maſter of every ſuch ſhip, boat, or veſſel, ſhall upon arrival in Dublin deliver to collector of the port ſuch certificate, and alſo make an affidavit before ſuch collector or officer (which ſuch collector or officer is required to adminiſter without fee or reward) in which ſhall be mentioned the quantity and quality of ſuch wheat, beans, peaſe, oats, bere or barley, or flour of wheat, malt, or oatmeal ſo brought, the names of the owners and place whence.

The certificate given by maſter on arrival to Dublin collector, with an affidavit.

LXXXVII. *ſect.* 5. If any perſons forge any ſuch certificate, affidavit, or note, or produce to ſuch collector or officer any ſuch certificate, affidavit, or note, knowing the ſame forged, or knowingly ſwear any thing falſe in any ſuch affidavit, they ſhall upon conviction ſuffer ſuch puniſhment as perſons convicted of wilful and corrupt perjury are by laws ſubject to.

Forging or producing forged affidavit.

LXXXVIII. *ſect.* 6. Like accounts ſhall be kept of the ſeveral payments made in purſuance of this act for all wheat, beans, peas, oats, bere or barley, or flour of wheat, malt or oatmeal imported coaſtways to Dublin, as are directed to be kept by the ſeveral acts relative to premiums upon land carriage of corn and flour brought to Dublin.

Like accounts of payments kept as for premiums on land-carriage.

LXXXIX. *ſect.* 7. Provided officer appointed for paying ſaid premiums ſhall not pay any premium in purſuance of this act, unleſs a certificate be produced to him under hand and ſeal of the ſurveyor or land waiter of the port of Dublin, ſpecifying the quantity of corn, beans, peas, malt, flour, or oatmeal landed, that is ſound and merchantable, with name of the ſhip and port from whence it came, nor unleſs the collector of ſaid port of Dublin ſhall certify in like manner, that by the copies tranſmitted to him from collector or principal officer of the port, from whence ſaid ſhip came, the ſeveral certificates, affidavits, and returns ſeem to him to have been made as required by this act.

No premium paid till certificate of Dublin ſurveyor, &c.

XC. *ſect.* 8. None of the officers before mentioned ſhall take any fee or reward whatſoever for any thing they ſhall do in purſuance of the directions before given.

No fee to officers.

Continuance to 1ſt June 1782.

XCI. *ſect.* 9. This act ſhall continue in force until the firſt of June 1782, and to the end of the then next ſeſſion.

13 G. 3. c. 11. continued by 17 & 18 G. 3. c. 31. further continued to 25 Dec 1785.

XCII. *Stat* 19 & 20 *Geo.* 3. *cap.* 14. *ſect.* 4. Whereas an act in the thirteenth was continued by an act ſeventeenth and eighteenth of his Majeſty, and has been found beneficial, and near expiring; ſaid act continued to twenty fifth December, one thouſand ſeven hundred and eighty five.

Bounties now allowed on export ſhall ceaſe, inſtead thereof the bounties following.

XCIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 17. *ſect.* 1. Whereas further proviſions are neceſſary for regulating corn trade, and encouragement of tillage: after twenty ninth September one thouſand ſeven hundred and eighty the bounties now allowed upon exportation of any ſort of corn or grain, ground or unground, ſhall ceaſe, and inſtead thereof, when the prices of corn or grain (aſcertained as herein after) appear under the rates herein after, at ports or places whence exported, there ſhall be allowed upon exportation, ground or unground, growth and product of this kingdom, and in Britiſh or Iriſh ſhipping, the maſter, and at leaſt two thirds of mariners ſubjects, the following bounties; when middling Iriſh wheat under forty four ſhillings Engliſh the quarter, Engliſh exportation meaſure, a bounty of five ſhillings Engliſh for every quarter, Engliſh exportation meaſure of wheat, and of malt made of wheat; when middling Iriſh rye under twenty eight ſhillings Engliſh the quarter, Engliſh exportation meaſure, a bounty of three ſhillings Engliſh for every quarter, Engliſh exportation meaſure; when middling Iriſh barley, bere or bigg, under twenty two ſhillings the quarter, Engliſh exportation meaſure, a bounty of two ſhillings and ſix pence Engliſh for every quarter, Engliſh exportation meaſure; and for every quarter of malt made of barley, bere, or bigg; and when middling Iriſh oats under fourteen ſhillings Engliſh the quarter Engliſh, exportation meaſure, a bounty of two ſhillings Engliſh for every quarter, Engliſh exportation meaſure; and two ſhillings and ſix pence Engliſh for every quarter of oatmeal, computed at the rate of two hundred and ſeventy ſix pounds avoirdupoiſe to the quarter, Engliſh exportation meaſure; which bounties ſhall be paid and allowed as herein after.

A moiety of ſaid bounties paid during the war, if exported in ſhips of ſtates in amity.

XCIV. *ſect.* 2. During this act, provided the preſent war ſo long continue, one moiety of ſaid bounties ſhall be allowed and paid on all before mentioned kinds of grain ground or unground, when exported in ſhips, the property of perſons of any kingdom or ſtate in amity, as if in Britiſh or Iriſh.

Duty on import of grain, except from Great Britain and Britiſh growth, on wheat, meal, or malt, when not above 53s. and 4d. Engliſh per quarter, at the port,
on rye, when not above 40s.
barley, &c. when not above 32s.
oats or meal, when not above 16s.
peas, when not above 40s.

XCV. *ſect.* 3. The ſeveral kinds of grain, ground or unground, before mentioned, imported, except from Great Britain, and of Britiſh growth, ſhall pay duty as follows, wheat, wheat-meal, or malt of wheat, when the price ſhall not exceed fifty three ſhillings and four pence Engliſh per quarter, Engliſh exportation meaſure, at place of importation, ſhall, if imported from any other country, pay ſixteen ſhillings and eleven pence, and twelve twentieths of a penny Engliſh per quarter, Engliſh exportation meaſure; and rye, when the price ſhall not exceed forty ſhillings, ſhall pay ſixteen ſhillings and eleven pence, and eleven twentieths of a penny; barley, bere, or bigg, or malt thereof, when the price ſhall not exceed thirty two ſhillings, ſhall pay ſixteen ſhillings and eleven pence, and eleven twentieths of a penny; oats or oat-meal, when the price ſhall not exceed ſixteen ſhillings, ſhall pay five ſhillings and ten pence and nineteen twentieths of a penny; peas, except from Great Britain and of Britiſh growth, when the price ſhall not exceed forty ſhillings, ſhall pay ſixteen ſhillings and nine pence, and four twentieths of a penny; and beans,

beans, when the price ſhall not exceed thirty two ſhillings, ſhall pay a duty on importation of ſixteen ſhillings and eight pence, and fourteen twentieths of a penny Engliſh per quarter, Engliſh exportation meaſure; the produce of ſaid duties to be applied towards payment of bounties before mentioned.

beans, when not above 32s. ſaid duties applied to ſaid bounties.

XCVI. *ſect.* 4. Grand jury of every county, county of city and town, at every general quarter ſeſſions ſhall enquire upon oath and preſent the true rates and prices of all ſaid grain ground or unground at times of ſuch ſeſſions; which being confirmed by the juſtices in open ſeſſions, is to be deemed the eſtimates and values in receiving duty and paying premiums on exportation until next general quarter ſeſſions.

Grand juries every general quarter ſeſſions, ſhall enquire and preſent rates of grain, in open ſeſſions.

XCVII. *ſect.* 5. Clerks of peace of ſaid counties reſpectively do in fourteen days after confirming, tranſmit to commiſſioners of revenue, true and exact copies under hands and ſeals of ſuch preſentments from time to time, and ſhall forfeit for every neglect twenty pounds, being convicted by indictment at aſſizes in the county wherein he is or was clerk of peace at time of confirming preſentment.

Clerks of peace after confirming ſhall tranſmit copies to commiſſioners of revenue, or forfeit 20l. on conviction at aſſizes.

XCVIII. *ſect.* 6. If grand jury fail to make ſuch preſentment, or juſtices to confirm as before, the prices of all ſaid grain ſhall be regulated by the average prices at which reſpectively ſold at publick market at or neareſt to the place whence intended to be exported, on the laſt market day preceding the ſhipping.

On default of preſentments or confirming.

XCIX. *ſect.* 7. To entitle to receive ſaid bounties every merchant or perſon who ſhall ſhip any of ſaid kinds of grain, ground or unground, with intent to export, ſhall bring, or cauſe to be brought, a certificate in writing under his hand, containing the quantity and quality ſo ſhipped, to the collector within ſuch port, and upon proof of ſuch certificate, by one or more credible witneſſes upon oath (which ſaid collector or officer is required to adminiſter) as alſo annexing an affidavit of ſuch certificate, that ſaid grain is ſhipped with intent to export, and not reland any part in Guernſey or Jerſey, or Faro, or Iſle of Man, which affidavits ſhall be ſworn before ſaid collector or officer, and upon bond by every ſuch merchant or perſon in penalty of double value of grain ſo ſhipped, conditioned that ſaid grain (danger of ſeas excepted) ſhall be exported beyond ſeas, and not again landed in Ireland or Guernſey or Jerſey, Faro, or Man, except in caſe the ſhips receive damage, whereby unlading becomes neceſſary, that in ſuch caſe ſaid grain ſhall be again with all convenient ſpeed ſhipped and tranſported according to intent of this act, every ſuch merchant or other perſon performing requiſites aforeſaid, ſhall receive from collector or officer of ſuch port the rates, allowances, premiums, or bounties before provided.

Exporter to bring to collector certificate of quantity and quality,

affidavit annexed of intent to export,

if on damage unlading neceſſary, reſhipped with ſpeed and tranſported, payment on performing requiſites.

C. *ſect.* 8. Upon certificate under common ſeal of chief magiſtrate beyond ſeas, or hands and ſeals of two known merchants, where ſuch grain landed, that the ſame was there landed, and the day, month, and year, or upon one or more credible witneſſes upon oath that ſaid grain was then and there landed, or taken by enemies or periſhed in the ſea (the examination and proof being left to judgment of ſuch collector or officer) ſuch proof being made, and certificate delivered to the officer who took ſuch bond, ſaid bond ſhall be delivered to exporter or his order, to be cancelled without fee or reward, and all money, paid by ſuch collector or officer in obedience to this act, ſhall be accepted of in accounts as ſo much paid to his Majeſty's uſe, and diſcharged accordingly.

On certificate of chief magiſtrate or 2 known merchants where landed.

CI. *ſect.* 9. After twenty ninth September, one thouſand ſeven hundred and eighty, the following ſavings be made in the bounty on inland carriage

Savings in bounty on inland car-

riage to Dublin towards ſa'd bounties

of corn, meal, flour, and malt to Dublin, towards payment of the bounties before mentioned; during continuance of this act no bounty ſhall be payable on any flour, with reſpect to which the corn factor or perſon ſelling and claiming bounty ſhall not add to the oath before paymaſter of corn premiums, that each hundred, for which bounty claimed, was good merchantable flour, and every hundred, and not merely the average, did actually and *bona fide* ſell, without practice or colluſion, for full ſix ſhillings an hundred at leaſt.

No bounty on land carriage of malt to Dublin, unleſs added to oath every barrel of 12 ſtones meaſures 4 buſhels Wincheſter.

CII. *ſect.* 10. No bounty on land carriage of malt to Dublin, unleſs added to the oath before paymaſter or deputy by the perſons who claim, that every barrel of twelve ſtones, meaſures four buſhels Wincheſter, as alſo that each barrel was good and merchantable, properly manufactured, well ſcreened and cleaned, and each, and not merely the average, did actually and *bona fide* ſell, without practice or colluſion, for full ſeven ſhillings by barrel at the leaſt.

Bounty of land carriage of flour of wheat to Dublin.

CIII. *ſect.* 11. From twenty ninth September one thouſand ſeven hundred and eighty, the bounty on land carriage of flour of wheat to Dublin ſhall not exceed two pence, and of wheat one penny, and of malt two pence, by the hundred for every five miles during ſaid term.

Not to leſſen bounties on carriage to Dublin by canal.

CIV. *ſect.* 12. Nothing herein ſhall leſſen amount of bounties now payable on carriage of corn, meal, malt, and flour to the city of Dublin by any inland canal.

Continued to 24 June 1783.

CV. *ſect.* 13. This act ſhall continue until twenty fourth June, one thouſand ſeven hundred and eighty-three, and no longer.

17 & 18 G. 3. c. 34.

CVI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 34. *ſect.* 1. Whereas an act ſeventeenth and eighteenth of his Majeſty for encouragement of tillage, and rendering carriage of corn to Dublin leſs expenſive, hath been found beneficial: all, who import ſound merchantable wheat, oats, oatmeal, bere or barley, beans, peas, flour of wheat, or malt of bere or barley, of growth and produce of this kingdom, by water coaſtways to Dublin from any place ſouthward, not nearer than Wicklow, nor further than the Tuſcar, or from any place to northward not nearer than Drogheda, nor further than Carrickfergus, and ſell and diſcharge at the publick markets or places, where corn or malt uſually ſold in Dublin, ſhall, upon performing requiſites herein, receive four pence per hundred weight for every hundred of ſuch wheat, oats, oatmeal, bere, barley, peans or peas, and twelve pence per hundred for every hundred of flour of wheat, and for every hundred weight of malt of bere and barley imported into Dublin as aforeſaid.

Places from whence brought,

performing requiſites,

premiums.

From ſouth of Tuſcar, &c. premiums.

CVII. *ſect.* 2. All, who import ſuch ſound merchantable wheat, oats, oatmeal, bere, barley, beans, peas, flour of wheat, or malt of bere or barley, of growth and produce of this kingdom, by water coaſtways to Dublin from ſouthward of the Tuſcar, and not further than Cape Clear, or northward or weſtward of Carrickfergus, and not further than Doonatt-Head in county of Donegal, and ſell and diſcharge in publick markets or places where ſuch uſually ſold in Dublin, ſhall in like manner upon performing requiſites herein receive five pence per hundred weight for every hundred of ſuch wheat, oats, oatmeal, bere, barley, beans, or peas; as alſo fourteen pence per hundred of malt of bere or barley, as alſo of flour of wheat imported into Dublin.

CVIII. *ſect.*

CVIII. *ſect.* 3. All, who import or bring ſuch ſound or merchantable grain, meal, malt, or flower of growth of this kingdom by water coaſtways to Dublin from any place to the weſtern coaſt between Cape Clear and Doonatt-Head, and ſell and diſcharge in publick markets or places, where ſuch uſually ſold in Dublin, ſhall upon performing requiſites herein receive ten pence per hundred weight of ſuch wheat, oats, oatmeal, bere, barley, beans, or peas; as alſo eighteen pence per hundred weight of malt of bere and barley, as alſo of flour of wheat imported into Dublin. From between Cape Clear and Doonatt-Head, premiums.

CIX. *ſect.* 4. And whereas a conſiderable trouble and expence is impoſed upon the collector of Dublin by ſaid act: After twenty fourth June one thouſand ſeven hundred and eighty the collector of Dublin port may deduct for his own uſe from perſons, ſo intitled to bounties, at the rate of ſix pence out of every pound ſterling paid by him in bounty for wheat, beans, peas, oats, bere, barley, or flour of wheat, malt or oatmeal, brought coaſtways to Dublin, and in his abſence his deputy may adminiſter oaths, and take affidavits preſcribed by ſaid act. Dublin collector may deduct 6d. per pound paid in bounties, his deputy may take affidavits and oaths by ſaid act.

CX. *ſect.* 5. The magiſtrate ſhall not certify for any ſuch malt, unleſs the perſon making affidavit, for intitling owner to ſuch premium alſo ſwear ſaid malt is properly manufactured, well ſcreened and cleaned, and that every twelve ſtone meaſures thirty two gallons Wincheſter at leaſt. Magiſtrate's certificate.

CXI. *ſect.* 6. Said act continued to twenty fourth June, one thouſand ſeven hundred and eighty four, and to end of then next ſeſſion. Continued to 24th June 1784.

CXII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 36. *ſect.* 1. After twenty fourth of June one thouſand ſeven hundred and eighty two the ſeveral bounties now allowed by law upon exportation of any ſort of corn or grain, ground or unground, ſhall ceaſe, and inſtead thereof, when the prices of corn or grain hereafter mentioned (aſcertained as after directed) appear to be under the rates after reſpectively mentioned at the ports or places whence exported, there ſhall be allowed upon exportation of ſuch corn or grain, ground or unground, growth and product of this kingdom, and put on board in Britiſh or Iriſh ſhipping, the maſter and at leaſt two thirds of the mariners being ſubjects, the following bounties; when the price of middling Iriſh wheat ſhall be under forty four ſhillings Engliſh the quarter, Engliſh exportation meaſure, there ſhall be allowed a bounty of five ſhillings Engliſh for every quarter Engliſh exportation meaſure of wheat and of malt of wheat; when middling Iriſh rye under twenty eight ſhillings Engliſh, the quarter Engliſh exportation meaſure, a bounty of three ſhillings Engliſh for every quarter; when middling Iriſh barley, bere, or bigg, under twenty two ſhillings the quarter, Engliſh exportation meaſure, a bounty of two ſhillings and ſixpence Engliſh for every quarter, and for every quarter of malt of barley, bere, or bigg; and when middling Iriſh oats under fourteen ſhillings Engliſh the quarter, Engliſh exportation meaſure, a bounty of two ſhillings Engliſh for every quarter of oats; and two ſhillings and ſix pence Engliſh for every quarter of oatmeal, computed at two hundred and ſeventy ſix pounds avoirdupoize to the quarter, Engliſh exportation meaſure; which reſpective bounties ſhall be paid and allowed as herein after. Bounties now allowed on export ſhall ceaſe, bounties in lieu, on export of Iriſh growth and product, requiſites, premiums.

CXIII. *ſect.* 2. Nothing in the ſaid laſt mentioned act, or in this act, ſhall after twenty fourth of June one thouſand ſeven hundred and eighty two extend to give or authorize any bounty to be paid or given, on or for export of any corn, meal, malt, or flour from the port of Dublin, or any creeks or members thereof, nor from any port, harbour, haven, or place between Drogheda and Wicklow; nor ſhall any be paid by collector of Dublin on or for export of No bounty on export from Dublin,

any

nor between Drogheda and Wicklow.

During the war a moiety allowed on export in ſhips of ſtates in amity.

any corn, meal, malt, or flour, from ſaid port, or any creek or member, after twenty fourth of June 1782.

CXIV. *ſect.* 3. During this act, provided the preſent war ſo long continue, one moiety of ſaid bounties ſhall be allowed and paid on all before mentioned kinds of grain, ground or unground, when exported in ſhips the property of perſons of any kingdom or ſtate in amity, as if in Britiſh or Iriſh.

Duty on import, except Britiſh, wheat, meal, or malt when not above 53s. 4d. per quarter, 16s. 11d. and 12-20ths.

rye, when not above 40s. 16s. & 11d. 11-20ths.

barley, &c. when not above 32s. 16s. & 11d. 11-20ths.

oats or oatmeal, when not above 16s. 5s. & 10d. 19 20ths.

peas, when not above 40s. 16s. & 9d. 4-20ths.

beans, when not above 32s. 16s. & 8d. 14-20ths.

CXV. *ſect.* 4. The ſeveral kinds of grain, ground or unground, before mentioned, imported except from Great Britain and being of Britiſh growth, ſhall pay duty as follows; wheat, wheat meal, or malt of wheat, when the price ſhall not exceed fifty three ſhillings and four pence Engliſh per quarter, Engliſh exportation meaſure, at the port or place of importation, ſhall, if imported from any other country, pay ſixteen ſhillings and eleven pence and twelve twentieths of a penny Engliſh per quarter, Engliſh exportation meaſure; and rye, except from Great Britain, and Britiſh growth, when the price ſhall not exceed forty ſhillings, ſhall, if imported from any other country, pay ſixteen ſhillings and eleven pence and eleven twentieths of a penny; barley, bere, or bigg, or malt thereof, except from Great Britain, and Britiſh growth, when the price ſhall not exceed thirty two ſhillings, ſhall, if from any other country, pay ſixteen ſhillings and eleven pence, and eleven twentieths of a penny; oats or oatmeal, except from Great Britain, and Britiſh growth, when the price of oats ſhall not exceed ſixteen ſhillings, ſhall pay five ſhillings and ten pence and nineteen twentieths of a penny; peas, except from Great Britain, and Britiſh growth, when the price ſhall not exceed forty ſhillings, ſhall pay ſixteen ſhillings and nine pence and four twentieths of a penny; and beans, except from Great Britain, and Britiſh growth, when the price ſhall not exceed thirty two ſhillings Engliſh, ſhall pay on importation from any other country ſixteen ſhillings and eight pence, and fourteen twentieths of a penny Engliſh per quarter, Engliſh exportation meaſure; the produce of ſaid duties to be applied towards payment of bounties before mentioned.

duties applied to ſaid bounties.

Grand juries every quarter ſeſſions ſhall inquire and preſent true prices confirmed in open ſeſſions, deemed the value till the next.

CXVI. *ſect.* 5. Grand jury of every county, county of a city and town, at every general quarter ſeſſions, ſhall enquire upon oath, and preſent the true rates and prices reſpectively of all ſaid grain, ground or unground, at times of ſuch ſeſſions; which being confirmed by the juſtices of peace in open ſeſſions, is to continue and be deemed eſtimates and value in receiving duty and paying premiums on exportation until next general quarter ſeſſions.

Copies under ſeal tranſmitted in 14 days by clerks of peace, penalty 20l.

CXVII. *ſect.* 6. The clerks of peace reſpectively, where ſuch preſentments made and confirmed, do in fourteen days after confirming tranſmit to commiſſioners of revenue in Dublin true and exact copies under their hands and ſeals of ſuch preſentments from time to time; and if any neglect ſo to do, he ſhall forfeit for every ſuch neglect twenty pounds, being thereof convicted by indictment at aſſizes in the county wherein he is or was clerk of peace at time of confirming ſuch preſentment.

On failure of preſentment regulated by average laſt market day at neareſt place.

CXVIII. *ſect.* 7. If the grand jury fail to make ſuch preſentment, or the juſtices to confirm, the prices of all ſaid grain ſhall be regulated by average prices, at which reſpectively ſold at publick market, at or neareſt to the port or place from whence intended to be exported, on the laſt market day preceding the ſhipping.

Exporter's certificate of quantity and quality,

CXIX. *ſect.* 8. To intitle to receive ſaid bounties every merchant or perſon who ſhall ſhip any of the ſaid grain, ground or unground, with intent to export, ſhall bring or cauſe to be brought, a certificate under his or their hands,

hands, containing the quantity and quality ſo ſhipped, to the collector, or perſons appointed to collect the duties or rates by cuſtoms within any ſuch port; and upon proof of ſuch certificate by one or more credible witneſſes upon oath, (which ſaid collector or officer is required to adminiſter) as alſo annexing an affidavit of ſuch certificate, that the ſaid grain, ground or unground, is ſhipped with intent to export the ſame, and not to reland the ſame, or any part thereof in the iſlands of Guernſey, Jerſey, or the iſland of Farro or Ferro, or the Iſle of Man, which affidavits ſhall be ſworn before ſaid collector or officer, and after giving bond by every ſuch merchant or perſon in penalty of double value of ſuch grain, conditioned that ſaid grain (danger of ſeas excepted) ſhall be exported beyond ſeas, and not again landed in Ireland, or the iſlands of Guernſey, or Jerſey, or the iſland of Farro or Ferro, or the Iſle of Man, except in caſe the ſhip or ſhips, in which it ſhall be on board, receive damage, whereby the unlading the ſame becomes neceſſary, that in ſuch caſe the ſaid grain, ground or unground, ſhall be again, with all convenient ſpeed, ſhipped and tranſported according to the true intent of this act, every ſuch merchant or perſon performing requiſites aforeſaid, ſhall receive from collector or officer of ſuch port the rates, allowances, premiums, or bounties before provided.

proved on oath,

affidavit annexed of intent to export and not reland,

and bond in double value, danger of ſeas excepted,

requiſites performed, bounties paid by collector.

CXX. *ſect.* 9. Upon certificate returned under common ſeal of the chief magiſtrate beyond ſeas, or hands and ſeals of two known merchants of ſuch place where landed, that the ſame was there landed, and day, month, or year of ſo landing, or upon proof by one or more credible witneſſes upon oath, adminiſtered as aforeſaid, that ſaid grain, ground or unground, was then and there landed, or taken by enemies, or periſhed in the ſea, the examination and proof thereof being left to judgment of ſuch collector or officer, ſuch proof being made, and certificate delivered to the officer who took ſuch bond, ſaid bond ſhall be delivered to exporter or ordered to be cancelled without fee or reward; and all ſums paid by ſuch collector or officer in obedience to this act, ſhall be accepted of in his accounts as paid to his Majeſty's uſe, and he be thereof diſcharged accordingly.

On certificate of chief magiſtrate beyond ſea, or of two known merchants, where landed, or proof of landing, or being taken or periſhed, bond redelivered,

payments allowed in accounts.

CXXI. *ſect.* 10. After twenty ninth of September one thouſand ſeven hundred and eighty two the following ſavings be made in the bounty on inland carriage of corn, meal, flour, and malt to Dublin towards payment of the bounties before mentioned; during this act no bounty ſhall be payable on any flour, with reſpect to which the corn factor or perſon ſelling and claiming bounty for it ſhall not add to the oath before paymaſter of corn premiums, or deputy, that every hundred of flour for which the bounty is claimed, was good merchantable flour, and that every hundred, and not merely the average, did actually and *bona fide* ſell without any practice or colluſion for the full ſum of ſix ſhillings an hundred at leaſt; and no perſon ſhall be intitled to a bounty for carriage of malt to Dublin, unleſs ſuch perſon produce a certificate upon back of the bounty paper, by which he ſhall claim ſuch bounty, ſigned and ſealed by owner of the malt houſe wherein made, expreſſing in words, and not in figures, the quantity of malt for which ſuch bounty claimed.

Savings in bounty on inland carriage to Dublin, towards ſaid bounties,

CXXII. *ſect.* 11. During this act, no bounty ſhall be paid on land carriage of malt to Dublin, unleſs added to the oath before paymaſter of corn premiums, or deputy, by perſons who claim, the words following, (*videlicet*) "that every barrel of ſaid malt of twelve ſtones meaſure four buſhels Wincheſter meaſure, as alſo that each barrel of ſaid malt for which bounty is ſo claimed, was good and merchantable, properly manufactured, well ſcreened and cleaned, and that each and every barrel, and not merely the average, did actually and *bona fide*

On claim of bounty on land carriage of malt addition to the oath, each barrel merchantable, well ſcreened, &c. and *bona fide* ſold for 7*s.*

bona fide ſell, without any practice or colluſion, for full ſeven ſhillings by the barrel at leaſt."

Bounty on land carriage of flour not above 2d. per 100 every 5 miles, wheat 1d. malt 2d.

CXXIII. *ſect.* 12. After twenty fourth of June one thouſand ſeven hundred and eighty two the bounty on land carriage of flour of wheat to Dublin ſhall not exceed two pence by the hundred every five miles; and on land carriage of wheat, ſhall not exceed one penny by the hundred every five miles; and of malt to Dublin, ſhall not exceed two pence by the hundred every five miles, during the ſaid term.

Bounties paid proportionably for every mile, for any weight not under 1 ſtone, whether by inland carriage or navigation.

CXXIV. *ſect.* 13. The bounties may be paid proportionably for every mile, and for every diſtance not leſs than a mile beyond the diſtance from the city of Dublin, at which bounties commence and are made payable by law, and for any weight not leſs than one ſtone, whether the ſame come by inland carriage, or by inland navigation or canal; any thing in any law to contrary notwithſtanding.

Not to leſſen bounties by canal, which ſhall not be regulated by bounties on inland carriage by 19 & 20 G. 3. c. 17.

CXXV. *ſect.* 14. Nothing herein ſhall leſſen bounties now payable on carriage of corn, meal, malt, and flour, to Dublin by any inland canal, but the bounty upon carriage by inland navigation or canal, ſhall be as much as was actually payable on or before firſt of Auguſt one thouſand ſeven hundred and eighty, and ſhall have no reference, or be regulated by any proportion to bounties on inland carriage by an act in nineteenth and twentieth of his Majeſty; any thing therein, or any other act to contrary notwithſtanding.

Canal company may borrow at legal intereſt.

CXXVI. *ſect.* 15. The companies of ſubſcribers to ſuch canals, are hereby impowered to borrow for carrying on ſuch canals for purpoſe aforeſaid, at common legal intereſt of this kingdom; any thing to contrary notwithſtanding.

In magiſtrate's certificate the quantities reſpectively, place, diſtance, and date in letters, not figures, in his hand writing,

CXXVII. *ſect.* 16. Whereas various frauds have been committed in obtaining bounties for inland carriage to Dublin: in every certificate required by law to be given by a magiſtrate for intitling to obtain any of ſaid bounties, the quantities of corn, meal, malt, and flour ſo certified reſpectively, the place where the ſame grew or was made, and number of Iriſh plantation miles diſtant from the caſtle of Dublin, and date of ſuch certificate, ſhall be written at full length in letters, not figures, and all ſhall be the hand writing of the magiſtrate; and no certificate ſo given ſhall intitle to any ſuch bounty, unleſs the magiſtrate ſigning, ſhall have entered, tranſmitted, or depoſited a paper ſigned with his name, in his hand writing, to or with paymaſter of corn premiums, or deputy previous to ſigning ſuch certificate; nor unleſs ſuch certificate be produced to paymaſter or deputy, within ſuch time after date of ſuch certificate, as ſhall be after rate of one day for every eight miles diſtant, for which a bounty claimed for carriage of corn, meal, malt, or flour therein, and fourteen days more; nor unleſs it appear to paymaſter or deputy, that the corn, meal, malt, or flour therein, have been actually brought to Dublin within the time before mentioned.

a paper ſigned by the magiſtrate depoſited with paymaſter previous,

certificate produced in 1 day every 8 miles, and 14 more,

and the corn, &c. brought within the time.

If on oath prevented, bounty paid.

CXXVIII. *ſect.* 17. If it appear upon oath, to ſatisfaction of paymaſter or deputy, that ſaid corn, meal, malt, or flour was prevented by unavoidable or unforeſeen accident from coming within ſaid time, the bounty may be paid, notwithſtanding the certificate not produced, nor corn, meal, malt, or flour brought to Dublin within the time appointed.

The corn, &c. weighed at crane appointed by 3 commiſſioners,

CXXIX. *ſect.* 18. No bounty ſhall be paid after twenty fourth June one thouſand ſeven hundred and eighty two for any corn, meal, or malt brought to Dublin, unleſs weighed at ſome crane erected or appointed by chief commiſſioners of cuſtoms or exciſe, or any three, which cranes ſaid commiſſioners,

or

or any three, are impowered to erect or appoint, or cauſe to be, in ſuch convenient or fit place or places within Dublin, or liberties, as they think proper; nor unleſs the craner's note, ſpecifying the weights, ſhall be indorſed on the affidavit, or magiſtrate's certificate, which note ſuch craner is directed to give, without fee or reward; and if any ſuch craner refuſe or omit to give ſuch note without delay to perſons intitled, or ſhall not attend from eight until three in afternoon in winter, and from ſeven until ſeven in afternoon in ſummer, for the purpoſe, ſuch craner ſhall for every ſuch omiſſion, neglect, or refuſal, forfeit five pounds, recovered as herein after.

craner's note of weight indorſed on affidavit or certificate,
given without fee,
craner refuſing, or not attending from 8 to 3 in winter, from 7 to 7 in ſummer, forfeits 5l.

CXXX. *ſect.* 19. A liſt of all bounties paid for carriage of corn, meal, malt, and flour to Dublin, from each county, ſhall be ſent to treaſurer of every ſuch county, which ſhall ſpecify names and reſidence of the owners, magiſtrates certifying, and carriers, with the quantities of ſuch corn, meal, malt, and flour, place of growth or manufacture, and diſtance from caſtle of Dublin, to the place where ſuch grew or was made, and date of certificate, and amount of bounty claimed or paid, and which liſt ſhall be ſo ſent by paymaſter or examiner of corn premiums, if ſaid commiſſioners, or any three, direct the examiner ſo to do, ten days before each ſpring and ſummer aſſizes every year, to treaſurers of the ſeveral counties, to be laid before the reſpective grand juries, and afterwards filed and kept open at all times without fee or reward, for the inſpection of every perſon; each ſuch liſt to contain only the particulars relating to the corn, meal, malt, or flour of growth or manufacture of, or carried from or belonging to ſome perſon within the county to which ſuch liſt ſhall be ſent.

Liſt of bounties ſent to each county treaſurer,
with owners names and reſidence,
magiſtrates certifying,
carriers,
diſtance,
and date of certificate, and the bounty,
ſent 10 days before each aſſizes,
laid before grand juries,
filed, and open for inſpection.

CXXXI. *ſect.* 20. All affidavits, certificates tendered to or made at the office of paymaſter, ſhall be regularly entered in books kept in the ſaid office for that purpoſe, ſpecifying in diſtinct columns the different matters in ſaid affidavits and certificates.

Affidavits and certificates entered, ſpecified in diſtinct columns.

CXXXII. *ſect.* 21. No affidavit by any factor ſhall intitle any to receive bounties by any act heretofore, for carriage of corn, meal, malt, or flour, to Dublin, unleſs ſuch factor previouſly licenſed by ſaid commiſſioners, or any three, which ſaid commiſſioners are hereby impowered to grant, and to revoke from time to time, nor unleſs ſuch factor ſhall have given ſufficient ſecurity, as ſaid commiſſioners or any three think proper, for the juſtice of his dealings in all matters relating to ſaid bounties; and that he will not knowingly or willingly himſelf commit, or ſuffer to be committed by any acting for or under him, any fraud or deceit, whereby any of ſaid bounties may be wrongfully claimed or paid, and will, as often as required by commiſſioners or any three, return upon oath, a full and particular account of all ſales by him of corn, meal, malt, or flour, which have obtained bounty, ſpecifying perſons to whom ſold, quantities and times of ſale, and ſuch other particulars relating thereto, as ſaid commiſſioners, or any three require.

No bounty on factor's affidavit, unleſs licenſed by 3 commiſſioners,
power to revoke,
ſecurity by factor,

CXXXIII. *ſect.* 22. All factors to whom malt ſhall be conſigned, ſhall, before any bounty received, make like affidavits in reſpect thereof, as they are now bound by law, and do in caſes of flour.

Like affidavits by factors for malt as flour.

CXXXIV. *ſect.* 23. In caſe of death, inability by ſickneſs, or neceſſary abſence out of this kingdom, of any factor of malt or flour, proved to ſatisfaction of commiſſioners, or any three, the affidavit of ſuch factor's clerk ſhall be taken inſtead, and be ſufficient to intitle the perſon making ſuch affidavit, to receive ſuch bounty as effectually, as if ſaid affidavit had been made by ſuch factor,

On factor's death, or neceſſary abſence, his clerk's affidavit ſufficient,

his ſecurity equally bound.

and the ſecurity given by ſaid factor, ſhall be equally bound in reſpect thereof, as if made by ſuch factor.

Juſtice ſigning a blank, or knowing falſe, diſabled, and 100l. to informer.

CXXXV. *ſect.* 24. If any juſtice of peace ſign any blank affidavit or certificate, or any knowing the ſame falſe, and be lawfully convicted, ſuch juſtice ſhall ever after be diſabled from acting as a juſtice, and forfeit one hundred pounds to informer.

Forging to obtain bounty,

CXXXVI. *ſect.* 25. If any forge, or cauſe to be, any certificate, affidavit, craner's note, or other matter directed by this or any act heretofore, relating to inland carriage of corn, meal, malt, and flour to Dublin, or coaſtways, or by inland navigation, for obtaining any bounty for carriage of grain of any

or producing, knowing forged or falſe, or ſwearing falſe knowing,

kind, by any act or acts, or produce to ſaid paymaſter or deputy, any ſuch, knowing the ſame forged or falſe, with intent to receive benefit of any bounty by any of ſaid acts, or ſwear any thing in any affidavit or oath directed by this or any of before mentioned acts, or for purpoſe aforeſaid, knowing the ſame falſe,

or uſing fictitious name,

or fraudulently ſign, or make uſe of, or aſſume any fictitious or other name, in

liable to penalties in ſaid acts,

any ſuch affidavit or oath, he, ſhe, or they upon conviction of any of offences aforeſaid, ſhall ſuffer ſuch puniſhment, and be liable to ſuch penalties and forfeitures as by all or any of ſaid acts againſt forging any affidavit or certificate required by ſaid acts, or any, or ſwearing falſely in any oath purſuant to

aiding or procuring or adviſing, puniſhed as actual forging or falſe ſwearing.

the ſame, or any of them; and if any be aiding or aſſiſting in making, procuring, or obtaining any ſuch forged or falſe certificate, affidavit, craner's note, or other matter, or knowingly procure or adviſe any to ſwear ſuch falſe affidavit or oath, they ſhall upon conviction, ſuffer ſuch puniſhment, and be liable to ſuch penalties and forfeitures, as perſons actually forging ſuch certificate or craner's note, or ſwearing ſuch falſe affidavit, are by this or any other act liable to.

Penalties, unleſs otherwiſe directed recovered in court of record in Dublin.

CXXXVII. *ſect.* 26. All penalties by this act, unleſs otherwiſe directed, may be recovered by any who ſhall ſue by action of debt, bill, plaint, or information, in any of courts of record in Dublin, in which no eſſoign or wager of law, or more than one imparlance allowed.

Commiſſioners with conſent of C. governor may appoint craners and ſalaries,

CXXXVIII. *ſect.* 27. Commiſſioners of cuſtoms and exciſe, or any three, ſhall have power, under hands and ſeals, with conſent and approbation of chief governor to appoint a craner or craners; and ſuch ſalary or ſalaries, not exceeding in the whole one hundred pounds *per annum*, as they think proper, and ſhall be approved of by chief governor.

not in the whole above 100l. per ann.

Bond by deputy paymaſter in 2000l. with 2 ſecurities approved by 3 commiſſioners.

CXXXIX. *ſect.* 28. No perſon ſhall be capable of executing office of deputy paymaſter, before he, with two ſufficient ſecurities, approved by ſaid commiſſioners or any three, have executed a bond to his Majeſty, in the penal ſum of two thouſand pounds, conditioned for due execution of ſaid office, and to account for all money he ſhall receive by virtue thereof.

Rules received from 3 commiſſioners, obſerved,

CXL. *ſect.* 29. The paymaſter, deputy paymaſter, examiner, clerks and craners, ſhall obſerve all ſuch rules, orders, and regulations, touching the management and due execution of their reſpective offices, as they ſhall reſpectively receive from time to time from commiſſioners of cuſtom or exciſe, or any three; and it ſhall be lawful for ſaid commiſſioners, or any three, with

craners removed with C. governor's approbation, and others appointed.

conſent of chief governor, from time to time, to remove any of ſaid craners, and appoint one other perſon or perſons in the place or ſtead of ſuch ſo removed, or whoſe place be vacated by death or otherwiſe: provided every ſubſequent appointment be made with like conſent and approbation of chief governor.

CXLI. *ſect.* 30.

Corn.

CXLI. *ſect.* 30. Whereas bounties on carriage of corn, meal, malt and flour, by water coaſtways to Dublin, have proved beneficial to agriculture, and contributed to leſſen the expence of bounties on inland carriage; and doubts conceived whether the regulations by ſeventeenth and eighteenth of his Majeſty, extend to, or are to be obſerved in reſpect of the bounties by nineteenth and twentieth of his Majeſty; all regulations and proviſions in ſeventeenth and eighteenth of your Majeſty, ſave as varied by nineteenth and twentieth of your Majeſty, ſhall continue and be in force ſo long as the ſaid act of nineteenth and twentieth years of your Majeſty ſhall continue; and every of them ſo varied ſhall extend, and be conſtrued to extend, to all bounty and bounties granted by ſaid act nineteenth and twentieth of your Majeſty.

All proviſions by 17 & 18 G. 3. c. 34. (ſave as varied by 19 & 20 G 3. c. 34.) continued ſo long as 19 & 20 G. 3. c. 34.

and extended to all bounties thereby.

CXLII. *ſect.* 31. This act ſhall continue in force until twenty fourth June one thouſand ſeven hundred and ninety three, and to end of then next ſeſſion, and no longer.

This act continued to 24 June 1793, and to end of next ſeſſion.

Coroner.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 10. Through all ſhires ſufficient men ſhall be choſen coroners of the moſt diſcreet knights, which ſhall attach and preſent pleas of the crown, and the ſheriffs ſhall have counter-rolls with the coroners, as well of their appeals, as of inqueſts of attachments, &c. and no coroner ſhall take any thing to do his office, upon pain of great forfeiture to the king.

Election of ſufficient men.

II. *Eng. Stat.* de offic. coron. 4 *Edw.* 1 *Stat.* 2. *ſect.* 1. A coroner ought to inquire theſe things; firſt he ſhall go to the places where any man is ſlain or ſuddenly dead or wounded, or where houſes are broken, or where treaſure is ſaid to be found, and ſhall command four of the next towns, or five or ſix, to appear before him in ſuch a place, and when they are come, the coroner upon the oath of them ſhall inquire if they know where the perſon was firſt ſlain, whether it were in any houſe, field, &c. and who were there. Likewiſe it is to be inquired who were culpable either of the act, or of the force, and who preſent, and of what age they be, if they can ſpeak and have diſcretion, and as many as ſhall be found culpable by the inqueſt ſhall be committed to gaol, and ſuch as ſhall be found there and be not culpable, ſhall be attached until the coming of the juſtices, and their names ſhall be written in the rolls.

Articles of inquiry.

(2) If any man be ſlain ſuddenly, which is found in the fields or in the woods, firſt it is to be ſeen whether he were ſlain in the ſame place or not, and if he were brought there they ſhall do as much as they can to follow their ſteps that brought him. It ſhall be inquired alſo if the dead perſon were known, and where he lay the night before.

Slain ſuddenly.

(3) And if any be found culpable of the murder, the coroner ſhall go to his houſe, and inquire what goods he hath, and what corn he hath in his grange; and if he be a freeman, they ſhall inquire how much land he hath, and what it is worth yearly, and what crop he hath upon the ground.

Inquiry of goods.

(4) And they ſhall cauſe all the land, corn and goods to be valued and delivered to the townſhips, which ſhall be anſwerable before the juſtices; and likewiſe

Valuation to be made.

likewiſe of his freehold how much it is worth yearly, and the land ſhall remain in the king's hands until the lords of the fee have made fine for it. And theſe things being inquired the bodies ſhall be buried.

Inquiry of perſons drowned, &c.

III. *ſect.* 2. In like manner it is to be inquired of them that be drowned or ſuddenly ſlain, whether they were drowned, ſlain or ſtrangled, by the ſign of the cord about their necks, or any other hurt found upon their bodies; and if he were not ſlain, then ought the coroner to attach the finder, and all other in the company.

Treaſure found.

(2) A coroner alſo ought to inquire of treaſure found, who were the finders, and who is ſuſpected thereof; and that may be perceived where one liveth riotouſly, haunting taverns, and hath done ſo of a long time, hereupon he may be attached for this ſuſpicion by four or ſix or more pledges.

Appeal of rape.

(3) Further, if any be appealed of rape he muſt be attached, if the appeal be freſh, and they ſee an apparent ſign by effuſion of blood, or an open cry made, and ſuch ſhall be attached by four or ſix pledges, if they be found. If the appeal were without cry, or without any manifeſt ſign, two pledges ſhall be ſufficient.

Appeal of wounds.

(4) Upon appeal of wounds, eſpecially if the wounds be mortal, the parties appealed ſhall be taken and kept until it be known whether he that is hurt ſhall recover or not; and if he die the defendant ſhall be kept, and if he recover they ſhall be attached by four or ſix pledges. If it be of a maim, he ſhall find more than four pledges if it be of a ſmall wound, two pledges ſhall ſuffice.

Wounds to be viewed.

(5) Alſo all wounds ought to be viewed, the length, breadth and deepneſs, and with what weapons, and in what part of the body the wound is, and how many be culpable, and how many wounds there be, and who gave the wound, all which things muſt be inrolled in the roll of the coroners. Moreover, if any be appealed as principal, they that be appealed of the force ſhall be attached alſo and kept until the principal be attainted.

Deodands.

(6) Concerning horſes, boats, carts, &c. whereby any are ſlain, they ſhall be delivered unto the towns as before is ſaid.

Wrecks.

(7) Concerning wrecks of the ſea, if any lay hands on it he ſhall be attached by pledges, and the wreck ſhall be valued and delivered to the towns.

Suſpected.

(8) If any be ſuſpected of the death of a man, being in danger of life, he ſhall be taken and impriſoned.

Hue and cry.

(9) In like manner, hue and cry ſhall be levied on all murderers, burglaries, and for men ſlain, or in peril of death, as is uſed in England, and all ſhall follow the hue and ſteps as near as can be; and he that doth not and is convict, ſhall be attached to be afore juſtices of the gaol.

Land in fee.

IV. *Eng. Stat.* 14 *Edw.* 3. *cap.* 8. No coroner ſhall be choſen unleſs he have land in fee in the county ſufficient to anſwer all people.

In full counties.

V. *Eng. Stat.* 28. *Edw.* 3. *cap.* 6. All coroners ſhall be choſen in full counties by the commons of the moſt meet, ſaving to the king and other lords who ought to make ſuch coroners their ſeignories and franchiſes.

Corporations and Towns Corporate.

I. *Stat.* 10 *Hen.* 7. *cap.* 7. No city or great town within this land, ſhall admit any to be alderman, juror or freeman within the ſame, but ſuch as have been prentice, or continually inhabiting therein, nor call any lord or other perſon to their meetings or councils, but only their recorder and learned counſels, nor ſhall elect any to be their mayor or head officer, but ſuch as are well known to be good ſubjects to the king, and true to the common weal, upon pain, the offence being lawfully proved, to forfeit 100 marks of money to the king as often as they offend therein. Electors of freemen, &c.

(2) All acts within any of the ſaid cities or towns, contrary to the king's prerogative and juriſdiction, to be void. King's prerogative.

II. *Stat.* 17 & 18 *Car.* 2. *cap.* 2. *ſect.* 37. It ſhall be lawful for the lord lieutenant, or other chief governors and council of Ireland, during the ſpace of ſeven years, to be accounted from the nine and twentieth day of September, 1665, to make and eſtabliſh ſuch rules, orders and directions, for the better regulating of all cities, walled towns and corporations, both new and old, and ſuch as ſhall be created within this kingdom, and the electing of magiſtrates and officers there. Rules for cities, &c.

(2) And to inflict ſuch penalties for the breach thereof, as they in their wiſdoms ſhall think fit, ſo as the penalties for breach of the rules, orders and directions to be made touching ſuch corporations, do not extend farther than to the removal and diſfranchiſement of ſuch perſons as ſhall be found guilty of the breach thereof; and ſuch rules, orders and directions, ſo to be made as aforeſaid, ſhall be as good and effectual in law, to all intents and purpoſes as if the ſame had been ſpecially and particularly eſtabliſhed by authority of this preſent parliament, and ſhall continue in force for ſuch time as in the ſaid rules, orders and directions ſhall be limited. Penalties for breach.

Rules, orders and directions, made and eſtabliſhed by the lord lieutenant and council, for the better regulating of all ſuch cities, walled towns and corporations, and the electing of magiſtrates and officers there, for which no other particular rules, orders or directions, have been or ſhall be made before the twenty ninth day of September, 1672.

III. *Firſt*, No perſons that ſhall hereafter be elected either mayor, bailiff, ſovereign, portreef, burgomaſter, recorder, ſheriffs, treaſurer, aldermen, town clerk, burgeſs, or one of the common council, or any magiſtrate or ſuch like officer within any city, walled town or corporation, within this kingdom, or maſter or wardens of any corporation, guild or fraternity, within any city, walled town or corporation, ſhall be capable of holding or executing any of the ſaid offices, until they ſhall have taken the oath of ſupremacy eſtabliſhed by act of parliament, 2d. Elizabeth, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices, places or employments. Oaths to be taken.

The oath of ſupremacy required by Stat. 2 Eliz. *is abrogated, and other oaths are appointed to be taken by the perſons who were required to take it, by* Eng. Stat. 8 Will. & Mar. ſect. 8. cap. 8. *See Tit.* **Oaths.**

IV. The ſaid oaths to be taken before ſuch perſons as ſhall admit them to the ſaid ſeveral offices, and upon any ſuch perſons refuſal to take the ſaid oaths, Elections void on refuſal.

the

the election of ſuch perſons into any of the ſaid offices is declared to be void, ſuch perſons only excepted, with whoſe taking the ſaid oaths of ſupremacy, the lord lieutenant, or other chief governors, for ſome particular reaſons ſhall think fit, by writing under their hand by name to diſpenſe.

Aliens to be admitted free.

V. *Secondly*, All foreigners and aliens, as well others, as proteſtants, who are merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled in any trade, or in the working any manufacture, or in the art of navigation, who ſhall come into any city, walled town or corporation, with intent there to reſide, ſhall upon requeſt made, and upon payment or tender of twenty ſhillings by way of fine unto the chief magiſtrates and common council, or other perſons authorized to admit freemen of ſuch city, town or corporation, where they do intend to reſide, be admitted a freeman of any ſuch city or corporation.

Freedom of guilds.

(2) And if they ſhall deſire it of any guild or fellowſhip of any trade within the ſame, during their reſidence for the moſt part, and their families conſtant inhabiting within this kingdom, and no longer, and ſhall have all privileges and immunities of trading, buying, working and ſelling in as ample manner as any freeman of any ſuch city or corporation might have by virtue of their freedom; ſuch perſons who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be denizens within this kingdom.

Oaths on admiſſion.

VI. All ſuch ſtrangers, artificers and others to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to the king, and alſo ſuch other oaths as are accuſtomably taken by freemen or members of ſuch cities or corporations, or by the members of ſuch guild or ſociety of the trade which they ſhall exerciſe, in caſe they ſhall deſire to be incorporated into any ſuch guild, and ſhall pay ſuch charges as all freemen his Majeſty's ſubjects of the like trade uſe to pay, and no more.

Refuſal to admit,

(2) If any chief magiſtrates or other perſons authorized as aforeſaid, of any city, town or corporation, or any maſter, warden or other governor of any brotherhood or trade, within any ſuch city, town or corporation, ſhall refuſe to admit any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman reſiding or coming into this kingdom with intent to be a freeman of the city, town or corporation where they intend to reſide, or to be a member of any brotherhood or fellowſhip within the ſame, ſuch chief magiſtrates, maſter, wardens or other governors, ſhall upon complaint and due proof made of ſuch refuſal before the lord lieutenant or other chief governors and council of this kingdom, be by their order disfranchiſed, and from

disfranchiſement.

thenceforth incapable without their licenſe of being made a freeman or member of any city, town or corporation.

Tender of 20s.

(3) And every ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman, upon tender by him made of twenty ſhillings by way of a fine as aforeſaid, and taking the oath of allegiance before any juſtice of the peace of the county next adjoining to ſuch city, town or corporation, or wherein ſuch city, town or corporation is ſituated, ſhall thereupon be a freeman or member of the ſaid city, town, corporation, brotherhood, ſociety or fellowſhip of any trade, where they ſhall reſide and be denied admiſſion as aforeſaid, and from thenceforth have the liberty and privilege of trading, working, buying or ſelling of any commodities, as if he had been admitted a freeman of ſuch city, town or corporation, a brother or member of ſuch brotherhood of any trade within the ſame, taking the uſual oaths of ſuch freemen or members, which oaths any one juſtice of peace near adjoining ſhall adminiſter, and paying all ſuch charges as aforeſaid, any law, cuſtom, charter or uſage to the contrary notwithſtanding.

(4) And

(4) And in caſe any perſon ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman, or ſeaman, as aforeſaid, to the hindering him in his trading, working, buying, or ſelling as aforeſaid, contrary to the intent hereof, all perſons ſo offending, ſhall upon like complaint and proof made of their offence therein, before the lord lieutenant, or other chief governors and council of this kingdom, be by their order diſfranchiſed, and from thenceforth incapable without their licence of being made a freeman or member of any ſuch city, town, or corporation. Interrupting or diſturbing, diſfranchiſement.

Given at the Council-chamber in Dublin, the 16th day of September 1672.

Rules, orders, and directions, for the ſeveral cities, walled towns, and corporations of Cork, Waterford, Kingſale, Youghall, Caſhell, Clonmell, Athlone, Londonderry, Carrickfergus, Colerain, Strabane, Charlemont, Trim, Dundalk, Kilkenny, Wexford, *and* Roſs.

VII. *Firſt*, Upon all elections to be hereafter made of any perſons to ſerve in any of the offices of chief magiſtrate, recorder, ſheriffs, or town clerk of any of the ſaid ſeveral cities, walled towns, or corporations, the names of the perſons ſo elected ſhall be by the ſaid corporation forthwith after ſuch elections, preſented to the lord lieutenant or other chief governors, and the privy-council of this kingdom, to be approved of by them, and the ſaid perſons ſo elected for any of the ſaid offices, ſhall be for ever hereafter incapable of ſerving in the ſaid ſeveral offices, or any of them, until they ſhall be reſpectively approved of by the lord lieutenant or other chief governors, and the privy-council of this kingdom, by order under their hands. Election of magiſtrates.

(2) And in caſe the perſons, or any of them, whoſe names ſhall be ſo preſented to the lord lieutenant or other chief governor or governors and council of this kingdom, ſhall not be ſo approved of within ten days after their names ſhall be ſo preſented, in ſuch caſe the ſaid corporation ſhall proceed to a new election of fit perſons for the ſaid reſpective offices for which the perſons ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names to the ſaid lord lieutenant, or other chief governors and privy-council of this kingdom, until they ſhall have choſen ſuch perſons for the ſaid reſpective offices as ſhall be approved of. Perſons not approved.

VIII. All ſuch of the ſaid officers that are annually choſen, who by the charters of the ſaid reſpective cities or corporations, or any of them, have not been uſually elected three months before the day whereon they are to enter upon the execution of their reſpective offices, ſhall hereafter be elected for the ſaid reſpective offices on that day three months, which ſhall precede the day whereon they are to enter upon the execution of the ſaid reſpective offices, unleſs the ſaid day ſhall happen on a Sunday, and then the ſaid election to be on the day following, the ſaid three months to be accounted calendar months, to the end that there may be ſufficient time between ſuch their election, and their entring upon the execution of their reſpective offices, for the obtaining of the approbation of the lord lieutenant and council, or other chief governors and council of this kingdom, and for the making of new elections in the places of ſuch who ſhall not be ſo approved of. Three months before entry on office.

IX. This rule ſhall not extend to the election of any perſons in any of the ſaid cities or corporations, who ſhall be choſen in the place of any ſuch of the ſaid offices that are annually choſen, who ſhall die within the year of their execution Caſes of death excepted.

ecution of the ſaid reſpective offices, or within one month before they are to enter upon the execution thereof.

Officers to qualify.

X. *Secondly*, Every perſon elected into any of the ſaid offices, or a burgeſs, common-council-man, or any magiſtrate, or ſuch or the like officer or maſter, or wardens, to qualify by taking ſuch oaths as in the former rules for all other cities or towns corporate.

Continuance of freedom.

XI. *The third rule, as to the admiſſion of foreigners, is the ſame with the former rule, except that their freedom ſhall continue only during their reſidence for the moſt part, and their, and their families conſtant inhabiting within the ſaid towns.*

Given at the Council-chamber in Dublin, the 23d day of September 1673.

Stat. 2 G. 1. altered.

XII. *Stat.* 2 *Geo.* 1. *cap.* 19. *ſect.* 9. *Relative to the election of aldermen and burgeſſes of corporations is partly altered, and the reſt of the clauſe is re-enacted by Stat.* 1 *Geo.* 2. *cap.* 9. *ſect.* 7. *and is therefore omitted.*

Oath altered.

XIII. *Stat.* 4 *Geo.* 1. *cap.* 3. *ſect.* 1. The oath preſcribed to be taken in the new rules, the form and words whereof are,

I A. B. *do declare and believe, that it is not lawful upon any pretence whatſoever to take arms againſt the King: and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him.*

So help me God.

ſhall not henceforth be required, nor any perſon ſuffer penalty, forfeiture, or loſs, by the not taking the ſaid oath, part of the ſaid declaration, the ſaid forementioned rules, or any law or ſtatute to the contrary notwithſtanding.

No forfeiture for omiſſion.

XIV. *ſect.* 2. And no perſon ſhall be judged to have incurred any forfeiture of any office, in any city or corporation, by reaſon of their not having taken the ſaid oath.

Qualification to vote.

XV. *Stat.* 1 *Geo.* 2. *cap.* 9. *ſect.* 7. No perſon ſhall be admitted to vote as a freeman at the election of any magiſtrate, in any city or town corporate where ſuch freeman hath not been free ſix calendar months before ſuch election, unleſs ſuch freeman came in free by ſervice to ſome trade, or by birthright, or unleſs ſuch perſon was intitled to his freedom, and had demanded the ſame ſix months before ſuch election.

Election in 31 days.

XVI. *ſect.* 8. When any alderman, burgeſs, or common-council-man, in any city or corporation, where by the charter or uſage no ſtated day or limited time is appointed for election, ſhall happen to die, or be removed from, or reſign his office of alderman, burgeſs, or common-council-man, the chief magiſtrate duly ſhall proceed to a new election of an alderman, &c. to ſerve in the room of ſuch alderman, &c. within thirty one days after notice of the death, removal, or reſignation of ſuch alderman, &c.

Notice to be given.

(2) And the chief magiſtrate of ſuch city or corporation ſhall give publick notice in writing, to be poſted up in the moſt publick place of ſuch corporation, of the day, time and place of ſuch election, by the ſpace of eight days next preceding the day of election.

Omitting to elect.

(3) And in caſe any alderman, burgeſs, or common-council-man, ſhall not be elected within thirty one days as aforeſaid, after notice to the chief magiſtrate, of the death, removal, or reſignation of any alderman, &c. then the chief magiſtrate of ſuch city or corporation ſhall give publick notice in writing,

ing, to be poſted up in the moſt publick places of ſuch city or corporation, by the ſpace of ſixteen days next preceding the day of ſuch election.

(4) And in caſe any chief magiſtrate ſhall offend herein, he ſhall forfeit for every ſuch offence one hundred pounds, to be recovered as is herein after mentioned. Forfeiture.

XVII. *ſect.* 9. All pecuniary penalties inflicted by this act ſhall be paid to the informer or proſecutor, who ſhall proſecute the offenders to conviction, with full coſts, where ſuch penalties ſhall not exceed one hundred pounds, and of all other pecuniary penalties hereby inflicted, two thirds ſhall be paid to ſuch informer or proſecutor with full coſts, and the other third to the poor of the pariſh or place where the offence ſhall be committed. Payment of penalties.

(2) And the ſaid penalties ſhall be recovered by action of debt, &c. in any court of record in Dublin, and in none of the caſes aforeſaid, ſhall any eſſoign, privilege of parliament, or other privilege, protection, or wager of law be allowed, nor any more than one imparlance. Recovery by action.

XVIII. *ſect.* 10. Provided every proſecution grounded on this act, ſhall be commenced within one year next after the cauſe of action ſhall ariſe, or the offence committed. Commenced within a year.

XIX. *Stat.* 19 *Geo.* 2. *cap.* 12. *ſect.* 11. Whereas divers perſons have illegally intruded themſelves into the offices of mayors, bailiffs, port-reeves, and other offices within cities, towns corporate, &c. and divers perſons who had a right to ſuch offices, or to be burgeſſes or freemen of ſuch cities and towns corporate, &c. have been illegally turned out of the ſame, or have been refuſed to be admitted thereto; and whereas in many cities, boroughs, and towns corporate, the election of the mayor, bailiff, or chief officers, is by charter or ancient uſage confined to a particular time without any proviſion how to act, in caſe no election be then made, and it frequently happens that by ſuch charter or uſage, particular acts are required to be done at certain times, in order to the compleating of ſuch elections, and by the contrivance or default of the perſons who ought to hold the court, or preſide in the aſſembly where ſuch elections are to be made, or ſuch acts to be done, or by accident it has happened and may frequently do ſo if not timely prevented, that no courts or aſſemblies have been held or elections made, or ſuch acts done within the time fixed for that purpoſe: Where any *mandamus* ſhall iſſue out of the King's-bench in any of the caſes aforeſaid, ſuch perſons who by law are required to make a return to ſuch writ, ſhall make a return to the firſt *mandamus*. Intruſion into offices. Return to *mandamus*.

XX *ſect.* 2. And as often as in any of the caſes aforeſaid any *mandamus* ſhall iſſue out of the King's-bench, and a return ſhall be made thereunto, it ſhall be lawful for the perſons ſuing ſuch writ to plead to or traverſe the material facts contained within the ſaid return, to which the perſons making ſuch return, ſhall reply, take iſſue, or demur, and ſuch further proceedings ſhall be had therein, as might have been had if the perſons ſuing ſuch writ had brought their action on the caſe for a falſe return. Traverſing returns.

(2) And if any iſſue ſhall be joined on ſuch proceeding, the perſons ſuing ſuch writ may try the ſame in ſuch place, as an iſſue joined in ſuch action on the caſe ſhould have been tried. Trial of iſſues.

(3) And in caſe a verdict ſhall be found for the perſons ſuing ſuch writ, or judgment given for them upon a demurrer, or upon *nil dicit*, or for want of a replication or other pleading, they ſhall recover their damages and coſts, as they Damages and coſts.

might have done in ſuch action on the caſe, ſuch coſts and damages to be levied by *capias ad ſatisfaciendum*, *fieri facias*, or *elegit*.

Peremptory *mandamus*.

(4) And a peremptory *mandamus* ſhall be granted without delay for them, for whom judgment ſhall be given, as if ſuch return had been adjudged inſufficient; and in caſe judgment ſhall be given for the perſons making ſuch return to ſuch writ, they ſhall recover their coſts of ſuit, to be levied in manner aforeſaid.

Not to be ſued again.

XXI. *ſect.* 3. Provided, that if any damages ſhall be recovered by virtue of this act againſt perſons making ſuch return to ſuch writ as aforeſaid, they ſhall not be liable to be ſued in any other action for the making ſuch return.

Information againſt uſurpers.

XXII. *ſect.* 4. In caſe any perſons ſhall uſurp, intrude into, or unlawfully hold and execute any of the ſaid offices or franchiſes, it ſhall be lawful for the proper officer of the court of King's-bench, with the leave of the ſaid court, to exhibit informations in the nature of a *quo warranto* at the relation of any perſon deſiring to proſecute the ſame, who ſhall be mentioned in ſuch informations to be the relators againſt ſuch perſons, and to proceed therein as is uſual in caſes of informations in the nature of a *quo warranto*.

In caſe of ſeveral rights.

(2) And if it ſhall appear to the court that the ſeveral rights of divers perſons to the ſaid offices or franchiſes may properly be determined on one information, it ſhall be lawful for the ſaid court to give leave to exhibit one ſuch information againſt ſeveral perſons, in order to try their reſpective rights to ſuch offices or franchiſes, and ſuch perſons againſt whom ſuch informations ſhall be proſecuted ſhall appear and plead as of the ſame term in which the ſaid informations ſhall be filed, unleſs the court ſhall give further time to plead, and perſons who ſhall proſecute ſuch informations ſhall proceed thereupon with the moſt convenient ſpeed.

Judgment of *ouſter*,

XXIII. *ſect.* 5. In caſe any perſons againſt whom informations in the nature of a *quo warranto* ſhall in any of the ſaid caſes be exhibited in the ſaid court, ſhall be adjudged guilty of an uſurpation or intruſion into, or unlawfully holding and executing any of the ſaid offices or franchiſes, it ſhall be lawful for the ſaid court as well to give judgment of *ouſter* againſt ſuch perſons from any of the ſaid offices or franchiſes, as to fine ſuch perſons reſpectively for their uſurping, intruding into, or unlawfully holding and executing any of the ſaid offices or franchiſes, and alſo to give judgment that the relators in ſuch information named, ſhall recover their coſts of ſuch proſecution, and if judgment ſhall be given for the defendants in ſuch information, they ſhall recover their coſts againſt ſuch relators, to be levied in manner aforeſaid.

Coſts.

Time to be allowed.

XXIV. *ſect.* 6 It ſhall be lawful for the King's-bench to allow to ſuch perſons reſpectively to whom any *mandamus* ſhall be directed, or againſt whom any information in the nature of a *quo warranto* in any of the caſes aforeſaid ſhall be proſecuted, or to the perſons who ſhall proſecute the ſame, ſuch convenient time reſpectively to make a return, plead, reply, rejoin, or demur, as to the court ſhall ſeem reaſonable.

Neglecting to elect officers.

XXV. *ſect.* 7. If in any city, borough, or town corporate, no election ſhall be made of the mayor, bailiffs, or other chief officers within the time appointed by charter or ancient uſage, or by the rules eſtabliſhed by the lord lieutenant and council of this kingdom, for the better regulating of corporations purſuant to the act of the ſeventeenth year of King Charles the ſecond, or ſuch elections being made, ſhall afterwards become void, whether ſuch omiſſion or avoidance ſhall happen through the default of the officers who ought to hold the court, or preſide where ſuch election is to be made, or by any other means, the corporation

ration ſhall not thereby be diſſolved or diſabled from electing ſuch officers for the future.

Aſſembly for elections.

(2) But in any caſe where no election ſhall be made as aforeſaid, it ſhall be lawful for the members of ſuch city, borough, or corporation, who have a right to vote, or be preſent at, or to do any other act in order to the compleating of ſuch election, and ſuch of them as ſhall not be hindered by any reaſonable impediment, are required to aſſemble together in the uſual place of meeting for making ſuch election within ſuch city, borough, or town corporate, upon the day next after the expiration of the time within which ſuch election ought to have been made, unleſs ſuch day ſhall happen to be Sunday, and then upon the Monday following, between the hours of ten in the morning and two in the afternoon.

Time appointed.

(3) And the members having a right to vote at, or to do any act neceſſary in order to ſuch election ſo aſſembled, ſhall forthwith proceed to the election of a mayor, bailiffs, or other chief officers for ſuch city, borough or corporation, and to do every act neceſſary in order to the compleating of ſuch election, in ſuch manner as was uſual in the election of ſuch officers, upon the day, or within the times appointed by charter or uſage, or by the rules aforeſaid for ſuch election.

Abſence of magiſtrates.

(4) And in caſe upon ſuch day of meeting hereby appointed for ſuch election, the mayor, bailiffs, or other proper officers, who ought to have held the ſaid court, or preſided at the aſſembly for ſuch election, or doing any other act neceſſary in order to ſuch election, if the ſame had been made on the day fixed, or within the time limited by charter, uſage, or rules aforeſaid, ſhall be abſent, then ſuch other perſon having a right to vote, being the neareſt then preſent in place or office to the perſons ſo abſenting themſelves, ſhall hold the court, or preſide in the aſſembly hereby appointed, and ſhall have the ſame authority therein, as belongs to the mayor, bailiffs, or other chief officers of the ſame city, borough, or town corporate, at any aſſembly for the election of officers for ſuch place, or for doing any other act neceſſary in order to ſuch election.

Mandamus to elect.

XXVI. *ſect.* 8. If it ſhall happen that in any city, borough, or town corporate, no election ſhall be made of the mayor, bailiffs, or other chief officers within the time appointed by charter or uſage, or by the rules aforeſaid, and that no election of ſuch officers ſhall be made purſuant to the directions herein before preſcribed, or ſuch election being made, ſhall afterwards become void as aforeſaid, it ſhall be lawful for the King's-bench, upon motion to be made in the ſaid court to award writs of *mandamus*, requiring the members of ſuch city, borough, or town corporate, having a right to vote at, or to do any act neceſſary in order to ſuch election reſpectively, to aſſemble themſelves at a time to be prefixed in ſuch writs, and to proceed to the election of a mayor, bailiffs, or other chief officers, as the caſe ſhall require, and to do every act neceſſary in order to ſuch election, or to ſignify to the ſaid court good cauſe to the contrary, and thereupon to cauſe ſuch proceedings to be had as in other caſes of writs of *mandamus* granted by the ſaid court of election of officers of corporations.

Notice to be given.

(2) And of the time appointed by ſuch *mandamus* for holding ſuch aſſembly, publick notice in writing, ſhall by ſuch perſon as the ſaid court ſhall appoint, be affixed in ſome publick place within ſuch city, borough, or town corporate, by the ſpace of ſix days before the day ſo appointed, and ſuch officer or other perſon reſpectively ſhall preſide in ſuch aſſembly, as ought to

have preſided at the election of ſuch mayor, bailiffs, or other chief officers, or at the doing of any other act neceſſary in order to ſuch election, in caſe the ſame had been made upon the day herein before preſcribed.

Oaths to be taken.

XXVII. *ſect.* 9. The mayor, bailiffs, or other chief officers who ſhall be elected purſuant to the directions of this act, ſhall take the oaths by law required, at the time of his admiſſion into ſuch office, before ſuch officer who ſhall preſide at ſuch election in purſuance of this act, and ſhall have the ſame privileges and authorities in all reſpects, as any mayor, bailiffs, or other chief officers of the ſame city, borough, or corporation, elected on the days or times fixed by charter or uſage for that purpoſe ought to have.

Uſual number to be preſent.

XXVIII. *ſect.* 10. Provided, that no ſuch election or act done in order thereunto, ſhall be valid, unleſs as great a number of perſons having right to be preſent at, and vote therein, ſhall be preſent at the aſſembly holden for ſuch purpoſe, and concur therein, as would reſpectively have been neceſſary to be preſent and concur in ſuch election or act, in caſe the ſame had been made within the time appointed for that purpoſe, by the charter or uſage, or by the rules aforeſaid, ſaving only that the preſence of the mayor, bailiffs, or other chief officers who ought to preſide, ſhall not be neceſſary.

Approbation of officers.

XXIX. *ſect.* 11. Provided alſo, that no mayor, bailiffs, or other chief officers of any city, walled town or corporation compriſed within the rules aforeſaid, ſhall take upon them to ſerve in the ſaid offices, until they ſhall be reſpectively approved of by the lord lieutenant or other chief governors, and the privy council of this kingdom, purſuant to the rules aforeſaid.

Voluntary abſence, impriſonment.

XXX. *ſect.* 12. If any mayor, bailiffs, or other chief officers of any city, borough or town corporate, ſhall voluntarily abſent themſelves from, or deſignedly hinder the election of any other mayor, bailiffs, or other chief officer in the ſame city, borough or town corporate within the time appointed by charter or ancient uſage, or by the rules aforeſaid for ſuch election, the perſons ſo offending being thereof convicted, ſhall for every ſuch offence ſuffer impriſonment for ſix months without bail or mainprize, and ſhall be for ever diſabled to hold or exerciſe any office belonging to the ſame city, borough or corporation.

Not diſſolved or diſabled.

XXXI. *ſect.* 13. No corporation ſhall be adjudged to be diſſolved or diſabled from electing chief officers, by reaſon of any default which hath already happened in not nominating, electing or ſwearing chief officers of ſuch corporation, within the time limited for ſuch nomination, election, or ſwearing by the charter or uſage of ſuch corporation, or by the rules aforeſaid, or by reaſon of the abſence of the chief officers who ought to have preſided at the aſſembly for ſuch nomination, election or ſwearing, or by reaſon of ſuch election having become void as aforeſaid, but every ſuch corporation ſhall be adjudged to be ſubſiſting and capable of electing ſuch officers; any ſuch omiſſion, abſence, default or avoidance, or any defect, diſability or forfeiture ariſing therefrom notwithſtanding.

Charters not invalidated.

XXXII. *ſect* 14. Provided, that nothing herein contained ſhall extend to invalidate any charter heretofore granted to, and accepted by any city, borough or town corporate, or any corporation within the ſame, or any elections or acts had in purſuance of any ſuch charter.

Return to *mandamus*.

XXXIII. *ſect.* 15. Where any *mandamus* ſhall iſſue out of the King's bench in any of the caſes aforeſaid, the perſons to whom ſuch writ ſhall be directed, ſhall make their return to the firſt writ of *mandamus*.

XXXIV. *ſect.* 16.

XXXIV. *ſect.* 16. An act made in the ſixth year of Queen Anne, intituled, *An act for amendment of the law, and better advancement of juſtice*, and all the ſtatutes of *Jeofails*, ſhall be extended to all writs of *mandamus*, and informations in the nature of a *quo warranto*, and proceedings thereon for any of the matters in this act mentioned. (*Brit. Stat.* 9 *Ann. cap.* 20. & 11 *Geo.* 1. *cap.* 4.) *Jeofails.*

XXXV. *Stat.* 21 *Geo.* 2. *cap.* 10. *ſect.* 8. No perſon in all other reſpects duly elected and admitted into any offices or franchiſes in any town corporate or borough, not being a city, ſhall be ouſted of ſuch office or franchiſe, or be any ways moleſted, for or by reaſon only of his not being an inhabitant of, or reſident within ſuch town corporate at the time of his election, but it ſhall be lawful for all perſons in other reſpects duly elected and admitted into any of the ſaid offices or franchiſes, to hold ſuch office or franchiſe as fully as if ſuch perſons were inhabitants of, or reſident within ſuch town corporate or borough at the time of their election. Inhabitant or reſident.

XXXVI. *Stat.* 1 *Geo.* 3. *cap.* 11. *ſect.* 1. If any juſtice of the peace, acting under the charters of cities and towns corporate, ſhall wilfully commit any offence, contrary to his duty as a juſtice of the peace, every ſuch juſtice ſhall upon conviction of ſuch offence, on an information to be filed in the court of King's bench, be for ever diſabled to act as a juſtice of peace, for or within ſuch city or town corporate, in caſe the court before whom ſuch information ſhall be tried, ſhall, in open court, before the ſame is adjourned, certify under their hands, that they are ſatisfied with the verdict given upon ſuch information. Juſtices by charter.

XXXVII. *ſect.* 2. The trial of all ſuch informations ſhall be held in ſome indifferent county, to be appointed by the court of King's bench. Trial of informations.

XXXVIII. *ſect.* 3. Nothing in this act contained, ſhall extend to juſtices of the peace, appointed by virtue of any commiſſion of the peace iſſued, or to be iſſued by his Majeſty, his heirs and ſucceſſors. Saving to commiſſioners.

XXXIX. *Stat.* 1 *Geo.* 3. *cap.* 17. *ſect.* 13. No iſſue ſhall hereafter be tried by a jury of any city, in any action or ſuit concerning any tolls, duties or cuſtoms claimed by the corporation of ſuch city, but every ſuch iſſue ſhall be tried by a jury of an indifferent county, to be appointed by the court in which ſuch action or ſuit ſhall depend. Actions for cuſtoms, &c.

XL. *ſect.* 25. *Whereas by the charters of ſeveral corporations, certain oaths are required to be taken by the ſeveral officers and members of ſuch corporations, in the preſence of, and to be adminiſtered by the perſons in ſuch charters mentioned. And ſeveral officers and members of ſuch corporations, though they have been duly elected, and though they have taken the ſeveral oaths required by the ſaid charters, are nevertheleſs ſubject to proſecutions, by reaſon that the ſeveral requiſites, directed by the ſaid charters, have not been obſerved at the ſwearing of ſuch officers*; no perſon who hath been duly elected into any ſuch office or franchiſe, ſhall hereafter be ouſted out of any ſuch office or franchiſe, or proſecuted on account of any objection which may be taken to the ſwearing ſuch officers or members, provided that ſuch officers and members ſhall in fact, have taken the oaths required by law; and ſuch officers and members ſhall be deemed legal officers and members of ſuch corporations, and all corporate acts which have been done by them, ſhall have the ſame force and effect, as if ſuch officers and members Oaths of officers, no ouſter or proſecution.

members had been respectively sworn, pursuant to the directions of the said respective charters.

Schedule of tolls, &c.

XLI. *sect.* 29. The mayor, or other chief magistrate of every city and town corporate, shall cause a schedule of the duties, tolls or customs, claimed by the corporation of such city or town corporate, to be hung up in some conspicuous part of the market houses of such city, or town corporate, on every market day, for one month next ensuing every Michaelmas day; and in case of neglect so to do, such mayor, or other chief magistrate, shall, for every such neglect, forfeit a penalty of ten pounds sterling, to be recovered in a summary way by civil bill, at the next assizes, by any persons who shall sue for the same.

penalty.

Exacting of tolls, not in schedule.

XLII. *sect.* 30. If any officer of any corporation, farmer of tolls or toll-gatherer shall exact from, or compel any person to pay any duty, toll, custom or perquisite, not mentioned or comprized in such schedule, to be hung up as aforesaid, such officer, farmer of tolls, or toll gatherer, shall, for every such offence, forfeit five pounds, to be recovered by civil bill, at the next assizes, by any person from whom any unlawful duty, toll, custom or perquisite shall be so exacted.

Fuel duty free.

XLIII. *sect.* 31. All turf, furze and timber in faggots, for fuel, shall pass into and through every city and town, free from all toll, custom or perquisite whatsoever, claimed by any officer or member of such city or town.

1 G. 3. c. 17. sect. 21. beneficial,

by several charters a majority to be present at swearing, persons duly elected, tho' not sufficient number of members present at swearing, provided oaths before 2 at the usual place between 10 and 3, legal officers as if sworn pursuant to charter.

XLIV. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *sect.* 13. Whereas a clause in an act first of his present Majesty, *for continuing temporary statutes, and other purposes*, so far as the same relates to the swearing officers of boroughs and corporations, has been found beneficial; and by the charters of several, a majority are required to be present at the swearing chief magistrate, which is frequently attended with great inconvenience to the members; no person, who hath been, or shall be duly elected into any such office, or in any ways sued, molested or prosecuted, for or on account of any objection which shall be taken because there had not been sufficient number of burgesses, or other members of such borough or corporation, present at the swearing such officer, provided such officer shall have taken the oaths required by law in the presence of two of the burgesses or members of such borough or corporation, in the public market house or town house, or usual place of holding assemblies of such borough or corporation, between ten in the morning and three in the afternoon; and such deemed legal officers of such boroughs and corporation; and all corporate acts, which have been, or shall be done by them, shall have the same force and effect, as if such officers had been respectively sworn pursuant to the direction of the said respective charters.

Officers, tho' not sworn in presence of a number required by charters, deemed legal, on taking the oaths publickly before two members between 10 and 3.

XLV. *Stat.* 13 & 14 *Geo.* 3. *cap.* 42. *sect.* 3. Whereas by charters of several boroughs and corporations, a majority of members are required to be present at swearing the portrieve, or chief magistrate; no person duly elected into any such office, shall be in any ways molested, or prosecuted on account of any objection, because there had not been a sufficient number of burgesses, or other members of such borough or corporation present at the swearing; provided such officer shall have taken the oaths required by law, in presence of

two

two of the burgeſſes or members in the public market houſe or toll houſe, or uſual place of holding aſſemblies of ſuch borough or corporation, between ten in the morning and three in the afternoon; and ſuch officers ſhall be deemed legal officers of ſuch boroughs or corporations; and all corporate acts, done by them, ſhall have ſame force and effect as if ſuch officers ſworn purſuant to ſaid charters.

Corpus cum Cauſa.

I. *Eng. Stat.* 2 *Hen.* 5. *ſtat.* 1. *cap.* 2. If upon any *certiorari* or *corpus cum cauſa* it be returned, that the priſoner is condemned by judgment, he ſhall be remanded and remain in priſon, without being let to bail againſt the will of the plaintiffs until ſatisfaction be made them of the ſums adjudged. Remanding to priſon.

II. *Stat.* 9 *Will.* 3. *cap.* 38. *ſect.* 1. No writ or writs of *habeas corpus certiorari*, or any other writs or proceſſes, other than writs of error or attaint, to be ſued forth of his Majeſty's courts at Dublin, or any other courts, to ſtay or remove any cauſe depending in any courts of record within any city, liberty, town corporate, or elſewhere, which ſhall have juriſdiction to hold plea in that action, the cauſe of action ariſing within the ſaid liberty or juriſdiction, ſhall be received or allowed by the ſteward, judges or officers of the courts to whom any ſuch writs ſhall be directed and delivered, but they ſhall proceed in the ſaid cauſes as though no ſuch writs were ſued forth or delivered to them, except that the ſaid writs be delivered to the ſtewards, judges or officers of the ſaid court, before iſſue or demurrer joined in the ſaid cauſes in ſuch court of record, having power to hold ſuch plea, ſo as the ſaid iſſue and demurrer be not joined in ſix weeks after the arreſt or appearance of the defendants to ſuch action. Writs not to be received after iſſue joined.

III. *ſect.* 2. If any ſuch action or cauſe commenced in any ſuch court of record in any city, liberty, town corporate, or elſewhere, ſhall be removed or ſtayed by any ſuch writs or proceſſes, if afterwards the cauſe ſhall be remanded by *procedendo*, or other writ, the ſaid action or cauſe ſhall never afterwards be removed or ſtayed before judgment, by any writs to be ſued forth out of any court. Nor after a *procedendo*.

IV. *ſect.* 3. If any action not concerning freehold or title of land, leaſe or rent, which ſhall be commenced in any ſuch court of record, or any city, liberty, town corporate, or elſewhere, if it ſhall be laid in the ſaid declaration that the debt, damages, things demanded, do exceed five pounds, ſuch action ſhall not be ſtayed, nor be removed into any court of Dublin, or other court as aforeſaid, by any writs other than writs of error or attaint. Actions under 5l.

V. *ſect.* 4. If any writ ſhall be ſued forth of any courts at Dublin, or other court contrary to this act, it ſhall be lawful for the judges and officers to whom ſuch writ ſhall be delivered to refuſe the ſame, and to proceed as if no ſuch writs had been granted. (*Eng. Stat.* 21 *Jac.* 1. *cap.* 23.) Officers may proceed.

County and Turn.

I. *Eng. Stat.* Magna Charta, 9 *Hen.* 3. *cap.* 35. No county ſhall be held but from month to month, and where a greater term hath been uſed it ſhall be greater. Times for holding courts.

greater. Nor ſhall any ſheriff or his bailiff make his turn by the hundred but twice in a year in the due and cuſtomed place, to wit, once after Eaſter and once after Michaelmas. And the view of frankpledge ſhall then be made, ſo that every one have his franchiſes. And the view of frankpledge ſhall be made, ſo that the King's peace be kept, and the tithing kept intire.

Exemptions from attendance.

II. *Eng. Stat.* Marlber. 52 *Hen.* 3. *cap.* 10. Archbiſhops, biſhops, earls, barons, or women, ſhall not need to come to the ſheriffs turn, unleſs their preſence be ſpecially required for ſome cauſe. And if any have tenements in divers hundreds, they ſhall not need to come to the turn, but in the bailiwicks where they be converſant.

Barretors and maintainers.

III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 33. No ſheriff ſhall ſuffer any barretor or maintainer of pleas in the counties, nor ſtewards, who are not attornies of their lords, to make ſuit, nor to pronounce the judgments, unleſs they be requeſted of all the ſuiters; and if any do it, the King will grievouſly puniſh the ſheriff and him.

Sheriffs inqueſts.

IV. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 13. The ſheriffs in their turns and elſewhere, when they have to enquire of malefactors by the precept of the King, or of their office, ſhall make their inqueſts by lawful men, at leaſt twelve, who ſhall ſet their ſeals to their inquiſitions, and the ſheriffs ſhall take and impriſon thoſe whom by ſuch inquiſitions they ſhall find guilty as they have uſed to do. And if they ſhall impriſon others, ſuch perſons impriſoned ſhall have their action by writ of impriſonment againſt the ſheriff as againſt any other perſon. And ſo it ſhall be obſerved of every bailiff of liberty.

Indictments by roll indented.

V. *Eng. Stat.* 1 *Edw.* 3. *cap.* 17. Sheriffs and bailiffs of franchiſes, and all others who take indictments in their turns or elſewhere, ſhall take ſuch indictments by roll indented, whereof one part ſhall abide with the indictors, ſo that one of the inqueſt may ſhew one part of the indenture to the juſtice when he ſhall come to make deliverance.

Turns when to be held.

VI. *Eng. Stat.* 31 *Edw.* 3. *ſtat.* 1. *cap.* 15. Every ſheriff ſhall make his turn once in the month after Eaſter, and the other time in the month after St. Michael, and if they hold them otherwiſe they ſhall loſe their turn for the time.

Places for holding courts.

VII. *Stat.* 6 *Geo.* 1. *cap.* 6. *ſect.* 16. The ſheriffs, court leet, or county court, ſhall be always held in the moſt convenient place in each barony which lies neareſt to the center of the ſame, and at a ſeaſonable time of the day after the hour of nine in the morning, on pain that the ſheriff or under ſheriff offending herein ſhall be fined by the juſtices at the next aſſizes or ſeſſions, on complaint and proof made thereof before them upon oath.

Couſinage.

Anſwer of tenant admitted.

I. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 20. In writs of *couſinage*, *aiel*, and *beſaiel*, the anſwer of the tenant, that the demandant is not the next heir of the anceſtor of whoſe death the tenement is demanded, ſhall be admitted as well as in plea of *mort dancеſtor*.

Cui

Cui in vita.

I. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 3. Where a man loſeth by default a tenement which is the right of his wife, the woman after the death of her huſband ſhall have recovery by writ of entry, *cui ipſe in vita ſua contradicere non potuit.* If againſt the demand of the woman, the tenant except, that he had entry by judgment; if it be prayed, he ſhall be compelled further to ſhew his right according to the form of the writ that he purchaſed before againſt the huſband and wife. Writ of entry.

(2) If a man will not defend the right of his wife, and the wife before judgment comes ready to anſwer the demandant, and defend her right, ſhe ſhall be admitted. Wife's defence.

(3) In the ſame manner, if tenant in dower, by the curteſy or otherwiſe for term of life, or by gift, in which a reverſion is reſerved, ſhall make default, or will render the heirs and they to whom the reverſion belongeth, ſhall be admitted to anſwer if they come before judgment. Tenants in dower, &c.

(4) And if, by default or render, judgment be given, they ſhall have after the death of ſuch tenants recovery by writ of entry, in which the ſame proceſs ſhall be obſerved as above. Recovery by writ.

Crown Debts.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 20. *ſect.* 1. Whereas difficulty and delay have attended recovery of debts to your Majeſty by collectors and publick accountants; and from inſufficiency of the laws the crown and publick have not had ſuch ſecurity in or title to eſtates of publick debtors, as legally enjoyed in ſimilar caſes in Great Britain: after twenty fifth of March one thouſand ſeven hundred and eighty two, all obligations and ſpecialties touching or in any wiſe concerning your Majeſty, made to or to uſe of your Majeſty, your heirs or ſucceſſors, and all ſuits, proceſs, judgments, decrees, and executions thereupon may be proſecuted in like manner, and have ſame force and effect in law, to all intents and purpoſes as writings obligatory taken and acknowledged according to ſtatute ſtaple. Obligations to K. proſecuted and have like force as ſtatute ſtaple.

II. *ſect.* 2. Your Majeſty, your heirs and ſucceſſors, in all ſuits, upon any obligation or ſpecialty heretofore made or hereafter, ſhall have and recover together with the juſt debts, coſts, and damages in like manner as allowed between ſubject and ſubject for recovery of their debts. Coſts and damages as in ſuits between ſubjects.

III. *ſect.* 3. Manors, lands, tenements, or hereditaments, charged or chargeable with any debt to your Majeſty, your heirs or ſucceſſors, by obligation or other ſpecialty, in ſeizin and poſſeſſion of divers perſons, other than the obligor or obligors, and every parcel of them, ſhall be wholly and entirely, and in no ways ſeverally liable and chargeable to and with ſaid debt. Lands in ſeizin of divers liable wholly and entirely.

IV. *ſect.* 4. If any ſuit be commenced or proſecuted, or any proceſs awarded, for recovery of your Majeſty's debts, the ſame ſhall be preferred, and your Majeſty, your heirs and ſucceſſors, have firſt execution againſt any defendants of and for ſaid debts before any other perſons; ſo always that ſuch ſuit of your Majeſty, your heirs or ſucceſſors, be commenced, or proceſs awarded, before execution begun for ſaid other perſons; and if ſaid other perſons claim under or by virtue of any judgment by default, confeſſion, or *Nil Dicit* againſt any officer accountant to your Majeſty, ſuch ſuit and proceſs of your Majeſty, your heirs and ſucceſſors, ſhall be preferred, and have firſt execution againſt ſuch defendant, notwithſtanding ſuch judgment obtained and execution begun for Suit in proceſs for King's debts preferred, and firſt execution, ſo as before execution begun for others, and notwithſtanding execution begun, if under judgment by default, confeſſion, or *nil dicit*.

ſuch other perſons; any thing herein or in any other law or ſtatute to contrary notwithſtanding.

Accountants lands, &c. 'till diſcharge of arrears adjudged, liable to execution as if bound by ſtatute ſtaple.

V. *ſect.* 5. All lands, tenements, profits, commodities, and hereditaments, which any treaſurer, vice-treaſurer, under-treaſurer, teller, or receiver in exchequer, treaſurer of commiſſioners of barracks, and other publick works, treaſurer or receivers of ſtamp duties, receivers of any money, by way of impreſt or otherwiſe for uſe of your Majeſty, clerk of hanaper, cuſtomer, collector of cuſtoms, exciſe, ſubſidies, hearth money, or other impoſts or duties, and all other perſons accountable to your Majeſty, your heirs or ſucceſſors, for any office or charge, or receipt, now hath or have, or ſhall have whilſt they remain accountable or indebted, ſhall, until payment and diſcharge of their arrearages adjudged and determined according to laws of this realm, upon his or their account, all his due and reaſonable petitions being allowed, be liable to payment thereof, and be put and had in execution for payment, in like and in as large and beneficial manner to all intents and purpoſes, as if the ſame accountant upon whom ſuch arrearages or debts ſo adjudged, had, the day he firſt became officer, receiver, or accountant, ſtood bound by writing obligatory having the effect of a ſtatute of the ſtaple, to your Majeſty, heirs, or ſucceſſors, for true anſwering and payment of the ſame arrearages or debts.

Lands, deſcended, &c. from or by gift of anceſtor indebted by ſpecialty, chargeable.

VI. *ſect.* 6. All manors, lands, tenements, and hereditaments, now being or hereafter in hands, poſſeſſion, occupation, or ſeizin of any to whom the ſame have deſcended, or ſhall deſcend, revert, or remain in fee ſimple or fee tail general or ſpecial, by, from, and after death of any anceſtor as heir, or by gift of any anceſtors, whoſe heir he is, which anceſtors were or ſhall be indebted to your Majeſty, heirs or ſucceſſors, or to any other to your or their uſe, by judgment, recognizance, obligation, or other ſpecialty, the debt whereof not contented and paid, the ſame manors, lands, tenements, and hereditaments ſhall ſtand chargeable for payment of ſaid debt and every part.

Debt not barred, altho' heirs not comprized in the ſpecialty, or alledged that no lands deſcended but intailed or given by anceſtor.

VII. *ſect.* 7. Your Majeſty, heirs and ſucceſſors, ſhall not be barred, delayed, foreclоſed, or excluded to demand, have, and receive the juſt and lawful debts and duties againſt any ſubjects as heirs to any indebted, albeit this word "heirs" be not or ſhall not be comprized in ſuch recognizance, obligation, or ſpecialty; or that any ſuch perſons ſhall ſay or alledge, that they have not any manors, lands, tenements, or hereditaments, to them deſcended, but only ſuch, as be or ſhall be entailed or given to them by any of their anceſtors, to whom they be heirs.

On recovery or eviction by juſt title without fraud, diſcharged.

VIII. *ſect.* 8. Manors, lands, tenements, or hereditaments recovered or evicted by juſt or former title without fraud or covin out of or from poſſeſſion of any, whoſe manors, lands, tenements, or hereditaments have been or ſhall be charged or chargeable as above ſaid, ſhall be clearly acquitted and diſcharged from the ſame debts, and of every part.

Recoverable againſt executors or adminiſtrators having aſſets.

IX. *ſect.* 9. Your Majeſty, heirs and ſucceſſors, may at your or their liberty and pleaſure demand, and recover ſaid debts, againſt executors or adminiſtrators of ſuch perſons, indebted in manner and form aforeſaid, if the ſame executors, or adminiſtrators, have aſſets in their hands.

Diſcharged on proof of good plea in bar.

X. *ſect.* 10. If any of whom ſuch debt or duty demanded, ſhall alledge, plead, declare, or ſhew in any court, where demanded, good, perfect, and ſufficient cauſe and matter in law, reaſon, or good conſcience, in bar or diſcharge, or why ſuch perſons ought not to be charged or chargeable with the ſame, and the ſame cauſe or matter, ſhall ſufficiently prove in ſuch court, the ſaid court ſhall have full power and authority to accept, adjudge, and allow the

the ſame proof, and wholly and clearly to acquit and diſcharge all perſons ſo impleaded or ſued for the ſame.

XI. *ſect.* 11. All ſuits for debt or duties to your Majeſty, your heirs or ſucceſſors, in court of exchequer ſhall be had, made, and carried on by *Capias Extendi facias*, or immediate extent, *ſubpœna* attachments, and proclamations of allegiance, if need require, or any of them, or otherwiſe as by ſaid court thought in its diſcretion expedient, for the more ſpeedy recovery; and ſaid court ſhall alſo have authority and power to hear and determine all ſuits commenced, proſecuted, and carried on for the intent above ſpecified, and thereupon to award, make, and do execution by or upon the body, lands, and goods of parties ſo condemned accordingly.

Suit in exchequer carried on by extent, &c.

power to award execution on body, lands, and goods.

XII. *ſect.* 12. Whereas it may frequently happen, that the annual value of lands of ſuch accountant or debtor, when extended, will not be ſufficient within ſeveral years to ſatisfy the debts to the crown: where any treaſurer, vice-treaſurer, under-treaſurer, teller, receiver, cuſtomer, collector, or other officer or perſon accountant as before mentioned, ſhall after twenty fifth of March one thouſand ſeven hundred and eighty two receive or be chargeable with any money due to your Majeſty, your heirs or ſucceſſors, and ſhall upon determining their account be found in arrear, and that he and they, his and their heirs, executors, or adminiſtrators, ſhall not within ſix months next after accounts finiſhed or debt known, as well as when ſuch account ſhall be finiſhed, or debt known, within eight years after the death of ſuch accountant or debtor, as in his lifetime, he and they having allowance of his or their due and reaſonable petitions as is aforeſaid, truly ſatisfy and pay all ſuch arrearages and ſums of money as he or they ſhall owe as aforeſaid, it ſhall be lawful for your Majeſty, your heirs and ſucceſſors, at any time, and from time to time, after ſaid ſix months ended (whether the ſame ſhall happen within the life time of ſaid accountant or debtor or after his death as aforeſaid,) to make ſale by letters patent under great ſeal of Ireland of ſo much of the lands, tenements, or hereditaments, of every ſuch accountant or debtor, ſo found in arrear or in debt, as before mentioned, as ſhall be ſufficient to ſatisfy ſaid debt; and if any overplus ſhall be received or had upon any ſuch ſale, the ſame ſhall be paid and delivered to the accountant or his heir by the officer, that ſhall receive the money upon ſuch ſale, without any further or other warrant.

Power to ſell in 6 months by letters patent under great ſeal, to ſatisfy the debt,

overplus to accountant or heir without further warrant.

XIII. *ſect* 13. All ſaid ſales on behalf of your Majeſty, your heirs or ſucceſſors, ſhall be good and available in law againſt the party accountant indebted and his heirs claiming as heirs, and againſt your Majeſty, your heirs and ſucceſſors, notwithſtanding any former charge or incumbrance to your Majeſty, your heirs or ſucceſſors, by the perſons for whoſe debt or duty the ſame ſhall be ſold.

Sale valid againſt accountant and heirs, and againſt K. former charge notwithſtanding.

XIV. *ſect.* 14. After death of ſuch accountant or debtor, and before the lands, tenements, and hereditaments, deſcended unto the heir as heir, ſhall be ſold as aforeſaid, a *Scire Facias* ſhall be awarded out of exchequer unto ſheriff of the county, or county of a city or town, where ſuch lands lie, to garniſh the ſame heir to ſhew cauſe, why the ſame to him deſcended as aforeſaid, ſhould not be put to ſale for ſatisfaction of the debts, whereupon the heir do not within a convenient time upon a garniſhment, or two *Nihils* returned, ſhew and prove unto ſaid court, that the executors or adminiſtrators of ſuch accountant or debtor have ſufficient, ought to anſwer or be liable for the ſame debt, whereby it may be duly and fully ſatisfied, then, on the expiration

After accountant's death *ſci. fa.* to ſheriff to garniſh heir to ſhew cauſe againſt ſale,

ſale in 10 months after or 2 *nihils* returned.

piration of ten months next after ſuch garniſhment, or two *Nihils* returned, the ſame lands, tenements, and hereditaments, or a ſufficient part ſhall be ſold in manner aforeſaid, and the money ariſing applied as herein directed.

Not extended to purchaſe *bona fide* and on val. conſideration,

XV. *ſect.* 15. This act, as touching only the ſale, ſhall not extend to any lands, tenements, or hereditaments, which any not privy or conſenting to any intent to defraud your Majeſty, your heirs or ſucceſſors, have heretofore purchaſed or obtained *bona fide* and upon valuable conſideration, or not ſo, ſhall hereafter purchaſe and obtain *bona fide* and on valuable conſideration, after the death of ſuch accountant or debtor, and before any ſuch *ſcire facias* ſhall iſſue.

Sale not inforced during heir's nonage.

XVI. *ſect.* 16. If heir of any ſuch accountant or debtor ſhall be within one and twenty years when ſuch *ſcire facias* awarded during nonage, this act, or any thing therein, ſhall not in any wiſe be executed or put in force as touching or concerning only the felling of lands, tenements, or hereditaments of any ſuch heir, any thing herein to contrary notwithſtanding.

Sold after attaining full age.

XVII. *ſect.* 17. After ſuch heir ſhall accompliſh full age, all lands, tenements, and hereditaments, deſcended from any ſuch debtor or accountant, ſhall be ſubject and liable to be ſold for payment, diſcharge, and ſatisfaction of demands of your Majeſty, your heirs and ſucceſſors, according to true meaning of this act in ſuch manner and form to all intents, as if ſuch heir had been of full age at death of ſuch accountant or debtor.

No ſale where a *quietus eſt.*

XVIII. *ſect.* 18. Nothing herein ſhall extend to ſale of lands, tenements, or hereditaments of any ſuch heir for any account of debt whereof ſuch debtor or accountant ſhall have a *quietus eſt* in his life time.

Purchaſes on ſecret truſt or uſe found, deemed for ſatisfaction of arrears of accountant, and ſale as aforeſaid.

XIX. *ſect.* 19. If any accountant or indebted as aforeſaid ſhall, after they become accountant or chargeable purchaſe lands, tenements, or hereditaments in their own or name of any other in truſt for themſelves, or for any other where the ſame is indeed meant or intended to be to uſe, profit, or behoof of the perſons ſo accountant or indebted, and ſaid ſecret truſt, uſe, profit, or behoof, and manner of purchaſing, ſhall be found by office or inquiſition, all ſo purchaſed, or cauſed to be, ſhall by this act be taken, deemed, and uſed for ſatisfaction of arrears and debt of every ſuch accountant or debtor as above mentioned to all intents, as if the perſons indebted upon his or their account were thereof actually ſeized of ſuch eſtate, ſo conveyed by any ſuch accountant or debtor or by his means; and all ſales thereof by your Majeſty, your heirs or ſucceſſors, for ſatisfaction of ſuch debt or arrear found as aforeſaid due and owing to your Majeſty, your heirs or ſucceſſors, ſhall be of like effect, and uſed and done in ſuch manner and form as before expreſſed.

Office or inquiſition traverſable, if for traverſer, ſhall have the lands without petition or ſuit.

XX. *ſect.* 20. It ſhall be lawful for perſons whoſe lands, tenements, or hereditaments by office or inquiſition found fraudulently conveyed or aſſured to have lawful traverſe; and if found with the party that tendereth the traverſe, he ſhall have the ſaid lands out of his Majeſty's hands without any petition, livery, or *ouſter le main*, or any other ſuit, and the ſame adjudged as not liable or chargeable, and not ſold by force of any thing herein.

On full payment by ſale, ſureties diſcharged.

XXI. *ſect.* 21. If your Majeſty, heirs or ſucceſſors, ſhall by ſale of land in purſuance hereof be fully paid the debt or arrearages, the ſureties of ſuch accountant or debtor ſhall be diſcharged of and from ſaid debt.

Sheriff, eſcheator, or bailiff, charged as heretofore.

XXII. *ſect.* 22. Nothing herein ſhall charge any ſheriff, eſcheator, or bailiff of any liberty, or lands, tenements, or hereditaments, of ſuch, or of their heirs or aſſigns, for any thing touching their offices, or for any money received, by reaſon of ſaid offices, otherwiſe or in any other manner than they might lawfully

lawfully have been charged heretofore; any thing herein to contrary notwithstanding.

12 per cent. charged for detaining after 6 months.

XXIII. *sect.* 23. If any treasurer, vice treasurer, under treasurer, teller, customer, collector, or receiver of duties, impositions, taxes, or money, or other officer accountant and chargeable with publick money as before mentioned, shall contrary to duty, detain all or any part for six months after he should have paid off the same, for such detention shall be charged with interest for monies so detained after rate of twelve pounds *per centum per annum*, for such time as he shall detain, to be recovered by action, suit, or information, or by any ways herein for recovering debts from publick accountants or debtors.

General allegation sufficient in suits for crown debts.

XXIV. *sect.* 24. In all actions and suits for debts which appertain or accrue, remain, or be due to your Majesty, heirs or successors, by any attainder, outlawry, forfeiture, gift of party, or other collateral ways or means, it shall be sufficient in law to shew and alledge generally, that the party, to whom said debts did belong such year and day, did give the same unto the king, or was attainted, outlawed or committed other offence, forfeiture, deed, act or thing, by reason whereof said debts did accrue, and ought to be paid; and the same matter so alledged or declared in a generality without shewing and declaring the circumstances shall be of as good force and effect in law to all intents, as if the whole matter alledged and declared at large.

Not to repeal or alter 14 & 15 C. 2. c. 8. or other revenue law.

XXV. *sect.* 25. Nothing herein shall repeal, weaken, or alter all or any of the jurisdictions, powers, or authorities appointed in and by an act fourteenth and fifteenth of Charles the second, *for settling the excise or new impost, according to the book of rates*, or in or by any other law now in force for improvement or better collection of revenue.

Custom House.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 19. *sect.* 1. Whereas your Majesty's custom house in Dublin, is in a ruinous condition, and it hath been deemed necessary that a new custom house, with proper accommodations suitable to trade of said city,, and sufficient for collection of revenues be erected: and Robert Lovett of Dublin, esquire, hath in pursuance of directions by commissioners of revenue, lately become possessed of a plot of ground in said city, containing by estimation five acres, plantation measure, for certain long terms of years, derived under the corporation of Dublin, whereon a new custom house hath been partly erected; in which, as also in forming, laying out, and carrying on several works and accommodations necessary, considerable sums have been expended; and said Robert Lovett hath become intitled to and possessed, merely as trustee for your Majesty, your heirs and successors, the said piece or parcel of ground, extending North and South from the road or street called North Strand to the bed of the river Anna Liffey, and East and West from the road or street called Mayor's street to the concerns now in possession of Martin Boe, stone cutter, as more particularly described by a map hereunto annexed, with all rights, easements, members, appendances, and appurtenances, heretofore belonging, or held and enjoyed therewith, with all right, title, interest, property, claim, and demand of said Robert Lovett, in and to said premisses and every part, as also the sole right, title, estate, property, possession, and enjoyment of all that part of the bank, quay, or building called

Purchase by Robert Lovett in map annexed, vested in K. during residue of terms of years subject to covenants, &c.

called the North Wall, ſouthward of ſaid premiſſes, extending from the Dry Dock on the Weſt to the ſtreet or road called Meares's or Mayor's ſtreet on the Eaſt, and adjoining the river Anna Liffey in county of the ſame city, are hereby veſted in your Majeſty, your heirs and ſucceſſors, during reſidue of the ſaid term of years, ſubject to yearly rents, reſervations, covenants and agreements, to which ſaid Robert Lovett is liable, with full power and authority to your Majeſty, your heirs and ſucceſſors, from time to time during ſaid terms, to cauſe ſuch cuts, canals, communications, incloſures, quays, docks, buildings, offices, or other accommodations to be made and erected in and upon that part of the wall or quay before mentioned, and all or any parts of ſaid premiſſes as expedient and neceſſary for carrying purpoſes of this act into execution.

power to make cuts, quays, buildings, &c. for purpoſes of this act.

II. *ſect.* 2. If right of any affected by any thing herein, compenſation ſhall be made to perſons, bodies politick or corporate ſo affected, to be aſcertained by verdict of a jury of county of Dublin, which ſhall be final and concluſive, and ſheriff of ſaid county ſhall have full power to ſummon, impannel, and ſwear ſaid jury as uſual.

Compenſation by verdict for right affected, final.

III. *ſect.* 3. It ſhall be lawful for collector of Dublin, and he is required, during reſidue of ſaid terms, to pay the ſeveral rents out of ſaid premiſſes to perſons, bodies politick or corporate, entitled to the ſame reſpectively, at the times, and in manner payable by ſaid Robert Lovett, without any deduction, defalcation, or abatement, and to take credit in his publick accounts as collector.

Rents paid by collector as by Robert Lovett, credited in accounts.

IV. *ſect.* 4. This act, and every clauſe and part, deemed and taken notice of in all courts of law and equity, as a publick act.

A publick act.

Cuſtoms and Exciſe.

Wool and woolfels.

I. *Eng. Stat.* 14 *Edw.* 3. *ſtat.* 3. The king ſhall not take more cuſtom for a ſack of wool of any Engliſh than half a mark, and of three hundred woolfels half a mark, and of a laſt of hides a mark. And the ſack ſhall contain twenty ſix ſtone, and each ſtone fourteen pounds.

Cuſtomers, &c.

II. *Eng.* 14 *Rich.* 2. *cap.* 10. No cuſtomer nor controller ſhall have ſhips of their own, nor meddle with the freight of ſhips; and no cuſtomer, controller, ſearcher, weigher or finder, ſhall have ſuch office for life, but only during the king's pleaſure.

III. *Eng. Stat.* 17 *Rich.* 2. *cap.* 5. No ſearcher, gauger of wines, aulnager,* finder or weigher, collector or controller, ſhall have eſtate in his office for life or years, but the ſame offices ſhall remain in the king's hands under the governance of the treaſurer.

* *By* Stat. 17 & 18 *Car.* 2. *cap.* 15. *ſect.* 2. *The king may grant the office of alnager for life or years.*

Office for life, &c.

Reſidence of officers.

IV. *Eng. Stat.* 1 *Hen.* 4. *cap.* 13. The cuſtomers and comptrollers in every port ſhall abide upon their offices in perſon without making a deputy.

Oath to be reſident.

V. *Eng. Stat.* 4 *Hen.* 4. *cap.* 20. The cuſtomers and comptrollers ſhall be ſworn, upon pain of impriſonment to pay the king 100l. if they do contrary

trary to the ſtatute 1 *Hen.* 4. *cap.* 13. and the lieutenant of the chief butler, and the ſearcher ſhall be reſident in the ſame manner, upon the ſame pain of 100l. one moiety to the king, and the other moiety to him who will ſue; and every cuſtomer upon his account in the exchequer ſhall be ſworn to anſwer lawfully to the king.

(2) And all merchandizes ſhall be loaden and unloaden in the great ports, and not in creeks and ſmall arrivals, upon pain of forfeiting all ſuch merchandizes to the king, except veſſels and merchandizes in ſuch ſmall creeks by coercion of tempeſt. Great ports.

VI. *Eng. Stat.* 4 *Hen.* 4. *cap.* 21. The ſearchers in every port ſhall be ſworn, that they let not their office to farm, nor occupy it by deputy, and that they take no money from maſters of ſhips for their welcome or farewel, otherwiſe than ſhall be ordained by the king; and that no ſearcher be hoſt to any merchant or mariner; and if any ſearcher do contrary to this ſtatute he ſhall loſe his office, and make fine and ranſom at the king's will. Letting offices to farm.

VII. *Eng. Stat.* 11 *Hen.* 4. *cap.* 2. No man who keeps a common inn in any city or borough, ſhall be a cuſtomer, comptroller, finder or ſearcher. Inn keepers.

VIII. *Eng. Stat.* 13 *Hen.* 4. *cap.* 5. All cuſtomers, comptrollers, gaugers of wine, and ſearchers, ſhall be continually reſident at their offices, and eſpecially at the time of loading and unloading of ſhips entering into port or paſſing out. And no ſuch officer ſhall be abſent three weeks, upon pain of loſing his office; unleſs he be commanded in ſpecial of record to be in the king's courts, or otherwiſe in the king's ſervice of record. Penalty for abſence.

IX. *Eng. Stat.* 3 *Hen.* 6 *cap.* 3. If any cuſtomer, collector or comptroller of the cuſtoms be convict of falſe concealing of cuſtoms duly paid, he ſhall forfeit it to the king the treble value of the merchandize ſo cuſtomed, and make fine and ranſom; and if any man will ſue him, he ſhall have the third for his pains. Concealing of cuſtoms.

X. *Eng. Stat.* 11 *Hen.* 6. *cap.* 15. The cuſtomers and comptrollers ſhall write and deliver to the merchants ſufficient warrants, ſealed with the ſeal of their office, for all their merchandizes duly ſhewed, the merchants paying nothing but the due cuſtom. And if any cuſtomer or comptroller do the contrary, the merchant ſo grieved may have an action in any court of record, and the cuſtomer and comptroller ſo attaint, ſhall forfeit to the king 10l. and to the merchant 100s. Warrant to merchants.

XI. *Eng. Stat.* 20 *Hen.* 6. *cap.* 5. No cuſtomer or comptroller of the cuſtoms, their clerks, deputies or miniſters, nor their ſervants or factors, nor ſearchers, comptrollers, or ſurveyors of ſearches, nor their clerks, deputies, miniſters or factors, ſhall have any ſhips of their own, or buy or ſell by way or colour of merchandize, or meddle with the freight of ſhips, or have or occupy any wharfs or keys where diſcharge of merchandize is had, or keep any inns or taverns, or be attornies or factors for any merchant, or be hoſt to any merchant alien, on pain of 40l. one moiety to the king, and the other to him that will ſue. Prohibitions to officers, &c.

XII. *Stat.*

Levying cuſtoms in highways.

XII. *Stat.* 25 *Hen.* 6. *cap.* 3. No man ſhall levy cuſtom in the king's highway, or elſewhere, but within ſuch cities, boroughs, or other merchant towns where the merchandizes be bought or ſold, or brought to be ſold, as have ſufficient authority to levy ſuch cuſtoms. And if any do the contrary, and thereof be attainted, he ſhall pay for every penny ſo taken twenty ſhillings, whereof the king ſhall have the two parts, and he from whom the cuſtom ſhall be ſo taken ſhall have the third part.

Arreſts upon ſhips,

XIII. *Eng. Stat.* 28 *Hen.* 6. *cap.* 5. Whereas the water bailiffs, ſearchers, comptrollers of ſearch, and others their deputies and ſervants, take by diſtreſs and arreſt upon ſhips, for every piece of cree cloth 4d. for every hundred of canvas 6d. and for every ton of iron 12d. and ſometimes more, and in like manner of all other merchandizes againſt law, and above all cuſtoms and ſubſidies due to the king; the ſaid merchants of all ſuch diſtreſſes, arreſts and injuries may have a general writ of treſpaſs againſt ſuch miſdoers, and ſhall recover againſt every of them 40l.

writ of treſpaſs.

Merchants neglecting.

(2) And the ſaid merchants ſhall purſue ſuch writ within two months after the injuries done; and if the merchants ſhall not purſue within two months, it ſhall be lawful to any other perſon to purſue the ſaid writ of treſpaſs, and recover the 40l. the king to have one moiety, and the proſecutor the other.

Patents of officers.

XIV. *Eng. Stat.* 31 *Hen.* 6. *cap.* 5. No letters patent of the offices of ſearcher, gauger of wine, aulnager, finder, weigher, collector of cuſtoms and ſubſidies, or comptroller, ſhall be made but by warrant of bill ſealed by the treaſurer, ſent by him into the chancery as hath been accuſtomed.

Void.

XV. *ſect.* 2. All patents of the ſaid offices made by other warrant ſhall be void.

Denizen's cuſtoms.

XVI. *Eng. Stat.* 1 *Hen.* 7. *cap.* 2. Any perſon made denizen ſhall pay for his merchandize like cuſtom as he ſhould pay afore.

Engliſh acts to be put in force.

XVII. *Stat.* 14 *Hen.* 7. *cap.* 1. Every act of parliament made in England, for puniſhment of cuſtomers, comptrollers and ſearchers, for miſdemeanour or negligence in their office, or for the puniſhment of any merchant or factors, or for the good ordering of them, or of any of the ſaid officers, ſhall be put in execution by the officers of this land, in like manner as they be put in execution in England, provided that this act ſhall not be put in execution 'till the ſaid acts of England be proclaimed at Dublin and Drogheda, and other market towns, that merchants may know what thoſe acts be, and the pains of the ſame.

Cuſtoms on imports.

XVIII. *Stat.* 15 *Hen.* 7. *cap.* 1. *ſect.* 1. It is ordained that the king and his heirs have, perceive and levy of every twenty ſhillings worth of all manner merchandize and wares brought into this land of Ireland by any perſons to be ſold within the ſame land, twelve pence.

Cuſtoms on exports.

(2) And likewiſe to have, levy and perceive of every twenty ſhillings worth of all manner merchandizes and wares after the price that they be bought within this land, and to be carried out of the ſame, to be ſold by any

any manner perſon or perſons beyond the ſea, twelve pence, wine and oyl only excepted.

XIX. *ſect.* 2. And no perſons ſhall bring any merchandizes or wares aforeſaid into this land, break any bulk, or bring any wares out of any ſhip, 'till the ſame wares be entered in the cuſtomers book by the merchant owner of the ſaid wares, or his attorney, or purſer of the ſaid ſhip wherein the ſaid wares be brought into this land, upon pain of forfeiture of the ſaid wares ſo not entered in the cuſtomers book in manner aforeſaid, half to the king, and the other half to the ſpier and finder of the ſame. Breaking bulk before entry.

XX. *ſect.* 3. And alſo in like wiſe that no manner perſon or perſons which will carry over the ſeas any wares or merchandizes out of this land, ſhip, or put into any boat or ſhip, the ſame wares or merchandizes 'till they be entered in the cuſtomers book of the ſame port, and that upon pain of forfeiture of the ſame in manner aforeſaid. Shipping goods before entry.

XXI. *ſect.* 4. Provided alway, that this act extend, nor in any manner-wiſe be prejudicial or hurtful to any freeman of the city of Dublin, Waterford, or of the town of Drogheda, being free by birth, or prentiſhood, or marriage and dwelling within the ſaid cities and town. A ſaving for the freemen of Dublin, &c.

XXII. Stat. 14 & 15 Car. 2. cap. 9. ſect. 1. *For as much as the prices of all ſuch merchandizes and wares brought in and ſold, and bought and carried out, are uncertain, and the duties therefore, or ſubſidy of poundage of the ſame not poſſibly to be received and levied in ſo ſingular a way as the nature of ſuch an affair doth require, unleſs ſome certain and ſet rates be conceived, by which the ſaid duties and ſubſidy may be paid, upon due conſideration had of the preſent ſtate and condition of the trade of this realm, and of the nature, quality and ſeveral uſes of the goods and merchandizes imported and exported, and of the moſt orderly and regular manner of levying the ſaid ſubſidy, upon the goods and merchandizes aforeſaid,* it is enacted, that the rates mentioned and expreſſed in one book of rates hereunto annexed, entitled, *the rates of merchandizes* (that is to ſay) *the ſubſidy of poundage, and the ſubſidy of tunnage, as they are rated and agreed on by the parliament of Ireland, ſet down and expreſſed in this book, to be paid according to the tenor of the act of poundage and tunnage, to the uſe of his Majeſty, his heirs and ſucceſſors, for ever;* ſhall be the rates according to which all goods and merchandizes of every merchant natural born ſubject, denizens and aliens, to be brought into this realm, or carried out of the ſame, of the value of every twenty ſhillings of the ſame goods and merchandizes, according to the ſeveral and particular rates and values of the ſame goods and merchandizes, as they are particularly and reſpectively rated and valued in the forementioned book, ſhall pay twelve pence Engliſh money. Recital, book of rates, on imports and exports.

(2) And the ſaid book of rates, together with certain rules, orders and directions thereunto annexed, entitled, *certain rules, orders, directions and allowances for the advancement of trade, and the encouragement of merchants, as alſo for the regulating as well of the merchants in making of due entries, and juſt payment of their cuſtoms, as of the officers in all ports of this realm, in the receipts of their ſeveral fees, and in the faithful management of their duties and truſts:* and every article and rule in the before mentioned book of rates, and certain rules, orders and directions aforeſaid, ſhall be and remain as effectual to all intents and purpoſes, as if the ſame had been particularly included in the body of this preſent act.

Guarding of the ſeas,

XXIII. ſect. 2. *And for the better guarding and defending of the ſeas againſt all perſons intending, or that may intend the diſturbance of the intercourſe of the trade of this realm, and for the better defraying the neceſſary expences thereof, which otherwiſe cannot be effected without great charge. And for encreaſe and augmentation of his Majeſty's revenue*, it is further enacted, that his Majeſty, his heirs and

poundage on exports.

ſucceſſors, ſhall have, levy and receive for ever, one ſubſidy more of poundage (that is to ſay) of every twenty ſhillings value of any of the native commodities of this realm, or manufacture wrought of any ſuch commodities to be carried out of this realm, by every merchant ſtranger, or other alien, according to the value thereof in the aforeſaid book of rates expreſſed, twelve pence, over and above the twelve pence aforeſaid.

Tunnage on French wines.

(2) And alſo one ſubſidy called tunnage (that is to ſay) every tun of wine of the growth of France, or of any of the dominions of the French king, or crown of France, that ſhall come or be brought into the port of Dublin, and the members thereof, and into all and every the other ports and places of this realm, by natural born ſubjects of this realm, or any other his Majeſty's dominions, the ſum of three pounds and ten ſhillings, of lawful money of England, and by ſtrangers and aliens, the ſum of four pounds thirteen ſhillings and four pence, of like money.

Muſcadine and other ſweet wines.

(3) And every but or pipe of Muſcadine, Malmeſeis, Cutes, Tents, Alicants, Baſtard ſacks, Canaries, Malagoes, Maderaes, and all other wines whatſoever, commonly called ſweet wines, of the growth of the Levant, Spain, Portugal, or of any of the iſlands or dominions to them or any of them belonging, or elſewhere, that ſhall come and be brought into the port of Dublin, or members thereof, and into all and every the other ports and places of this realm, by any natural born ſubject as aforeſaid, the ſum of two pounds and ten ſhillings of like money of England, and by ſtrangers and aliens the ſum of three pounds ſix ſhillings and eight pence.

Rheniſh.

(4) Of every awn containing forty two gallons of Rheniſh wine, of the growth of Germany, that ſhall come and be brought into this your Majeſty's realm, by your natural born ſubjects as aforeſaid, the ſum of fifteen ſhillings of like money; and by ſtrangers and aliens twenty ſhillings.

Rape and linſeed oyls.

(5) Every tun of rape and linſeed oyls, containing two hundred fifty two gallons, that ſhall come and be brought into the port of Dublin, or any of the ports of this realm, by any natural born ſubject as aforeſaid, the ſum of one pound ten ſhillings of like money; by ſtrangers and aliens, the ſum of one pound ſeventeen ſhillings and ſix pence.

Sevil oyl, &c.

(6) Of every like tun of Sevil, Majorca, Minorca, Apuglia, Provence or Portugal oyl, that ſhall come or be brought in by any natural born ſubject as aforeſaid, the ſum of two pounds and twelve ſhillings of like money; by ſtrangers or aliens the ſum of three pounds five ſhillings,

Sallad oyl.

(7) Of every like tun of ſallad oyl, brought in by any natural born ſubject as aforeſaid, the ſum of three pounds and three ſhillings of like money; by ſtrangers or aliens the ſum of three pounds eighteen ſhillings and nine pence.

Greenland train oyl.

(8) Of every like tun of trayn oyl of Greenland, brought in by any natural born ſubject as aforeſaid, the ſum of eight ſhillings of like money: by ſtrangers or aliens the ſum of ten ſhillings.

Newfoundland train oyl.

(9) Of every like tun of trayn oyl of Newfoundland, brought in by any natural born ſubject, the ſum of ſix ſhillings; by ſtrangers or aliens the ſum of ſeven ſhillings and ſix pence.

(10) Which

(10) Which ſeveral rates of tunnage and poundage being the ſame which are expreſſed in the book of rates before mentioned, and no other, ſhall be received and taken upon all goods and merchandizes whatſoever imported or exported into or out of any port or place of this realm, and ſo proportionably for a greater or leſſer quantity of the ſame; excepted always and foreprized, prizage and butlerage. Rates on all goods imported or exported, prizage and butlerage.

XXIV. *ſect.* 3. Provided that if any goods or merchandizes aforeſaid of any merchant, being born denizen of this realm of Ireland, or any other his Majeſty's dominions, ſhall be taken by any enemies or pirates upon the ſea, or periſh in any ſhip that ſhall happen to be taken or periſhed, whereof the ſubſidies and other duties ſhall be duly paid or agreed for, and that duly proved before the lord treaſurer of Ireland, or the chief baron of his Majeſties court of exchequer for the time being, by the examination of the ſame merchants, if they be alive, or of their executors or adminiſtrators, if they be dead, or by two credible witneſſes, at the leaſt, ſworn, or other reaſonable witneſs and proof ſworn, then the ſame merchants, or their executors or adminiſtrators, may newly ſhip in the ſame port, where the goods and merchandizes aforeſaid ſhall be cuſtomed ſo much of the goods and merchandize as the ſame ſo loſt ſhall amount unto in cuſtom, without paying of any thing for the ſame. Goods taken by enemies or pirates, ſo much other goods duty-free.

(2) So as the ſame proof be recorded and allowed of in the court of exchequer, and certified unto the collector of the cuſtoms of the port where the ſame goods and merchandize are to be newly ſhipped without cuſtom as aforeſaid.

XXV. *ſect.* 4. And whereas many great quantities of goods and merchandizes are oftentimes fraudulently concealed, to the great leſſening or diminution of his Majeſty's revenue; for prevention thereof, it is enacted, that no owner, maſter, ſkipper, purſer, or other perſon taking charge of any veſſel, or of any merchants goods, ſhall receive or take into any ſhip or veſſel whatſoever, any goods, to be carried or tranſported into any of the parts beyond the ſeas, before he ſhall have ſignified to the cuſtomer of the port where he ladeth, and other officers there in the open cuſtom houſe (if any ſuch be there) or elſe where the ſaid officers or their deputies, or any of them, ſhall be uſually reſident, that he intendeth to lade, and to what place he intendeth to paſs. Concealment of goods, notice to officers.

(2) Nor ſhall after their full lading depart out of the port, creek or place, where he ſhall ſo lade, before he do in like manner ſignify unto the cuſtomer and officer as is aforeſaid, of his lading, and what merchants and other perſons ſhall have lading with him, or in his veſſel, and further truly to anſwer to ſuch queſtions as ſhall be interroga ed of them by the cuſtomer or other officer, concerning ſuch wares and merchandizes as he ſhall have laden, being examined upon oath in the open cuſtom houſe, or otherwiſe as is aforeſaid, upon pain to forfeit for every ſuch default, or not truly advertiſing, nor anſwering to ſuch queſtions as ſhall be demanded of him, one hundred pounds. Declaration of lading, penalty of 100l.

(3) No owner, maſter, ſkipper, purſer, or other perſon taking charge of any ſhip, wherein any goods ſhall be laden or brought from any the parts beyond the ſeas, ſhall diſcharge into any lighter, gabbard, or veſſel whatſoever, and lay on land, or procure, or cauſe, or any ways permit or ſuffer to be diſcharged into any veſſel whatſoever, and to be laid on land, out of ſuch ſhip or veſſel any goods whatſoever, before ſuch owner, maſter, ſkipper, purſer, or other perſon taking charge of the ſhip or veſſel, ſhall have firſt entered Diſcharging or landing goods, bond not to depart before clearance.

tered into a ſufficient obligation in the law, in which he ſhall be bound to the King with known able ſureties in ſuch ſum as the collector of the port where he arrives ſhall judge meet, that the ſhip or veſſel by him brought in, ſhall not depart or ſail away out of the ſaid port or harbour, without her being fully cleared and diſcharged by the collector or ſearcher of the ſaid port.

Bill of lading, &c.

(4) And ſhall likewiſe have delivered under his hand to the cuſtomer, or other officer of the port where he arriveth, one bill of the particulars and contents of the whole lading of their veſſel, with the names of the ſeveral merchants or laders, and the mark, package, or outward form of the goods laden, and ſhall make declaration that he hath not broken bulk ſince he came into the port, nor into any other port of this realm, otherwiſe than in the ſaid bill ſhall be expreſſed.

Anſwering upon oath.

(5) And ſhall have truly anſwered upon oath unto ſuch queſtions and interrogatories concerning ſuch goods as ſhall be then laden in any ſuch veſſel, as ſhall be to him adminiſtered by ſuch cuſtomer, or other officer openly in the cuſtom houſe, or in ſuch other places as aforeſaid upon oath, if they ſhall be thereunto required.

Penalty.

(6) Upon pain that every owner, maſter, ſkipper, purſer, or other perſons as aforeſaid, ſhall forfeit for every ſuch default in not giving bond, truly advertiſing nor anſwering as is aforeſaid one hundred pounds of like money.

Times for lading and unlading.

XXVI. *ſect.* 5. It ſhall not be lawful for any perſon to lade or put, or cauſe to be laden or put off from any wharf or other place on the land, into any lighter, gabbard, bottom, boat, ſhip, or veſſel whatſoever, to be tranſported into any place beyond the ſeas, or to take up, diſcharge, or lay on land, or cauſe or procure to be taken up, diſcharged out of any lighter or veſſel whatſoever (not being in leak or wreck) and laid on land any goods brought from any parts beyond the ſeas, but only in the day light (that is to ſay) from the firſt of March unto the laſt of September, betwixt the ſun riſing and ſun ſetting, and from the laſt of September unto the firſt of March, between the hours of ſeven in the morning, and four in the afternoon.

Open quays or wharfs.

(2) And in and upon ſome ſuch open quay or wharf, as the lord lieutenant, lord deputy, or other chief governors and privy council of this realm, ſhall therefore appoint within the port of Dublin, and all other the ports, creeks, havens, or roads of this realm, where a cuſtomer, comptroller, and ſearcher of ſuch ports, or their deputies, ſhall be reſident.

Penalty.

(3) Upon pain of forfeiture of all ſuch goods ſo laden and diſcharged contrary to the meaning of this act, or the value thereof.

Lawful times and places,

(4) No perſon ſhall receive or take into any veſſel, any goods, to be tranſported into any place beyond the ſeas, nor ſhall diſcharge and lay on land out of their ſhip or veſſel (not being in leak or wreck) any goods brought from any parts beyond the ſeas, in any other places, or at any other hours, or time than is before appointed, upon pain the owners or maſters, or other perſons taking charge of ſuch ſhip or veſſel in which ſuch goods ſhall be ſo ſhipped, or out of which the ſame ſhall be unſhipped, ſhall forfeit for every ſuch offence one hundred pounds.

forfeiture.

Mariners offending.

(5) And the mate, boatſwain, or any of the mariners committing ſuch offence ſhall forfeit treble the value of the ſubſidies or cuſtoms of ſuch goods, or impriſonment, at the will and pleaſure of the chief governors of this realm,

realm for the time being, or of the barons of his Majeſty's exchequer, or any two of them; provided ſuch impriſonment do not exceed the ſpace of twelve months.

Taking out fine goods.

(6) It ſhall be lawful for the commiſſioners, and the reſpective cuſtomers and collectors of the cuſtoms, or their deputies (for whom they will anſwer) by their warrants in writing upon the arrival of any ſhip or veſſel with goods, from any the ports beyond the ſeas, to ſecure or take out from any ſuch ſhips or veſſels, all fine goods and merchandizes of ſmall bulk or packing as they may diſcover, or have cauſe to ſuſpect, their being intended to be conveyed on ſhore without payment of cuſtoms, ſubſidies, or other duties for the ſame; and the ſame to be put into cuſtody of the warehouſes of the reſpective cuſtom-houſes, there to remain until the duties for them reſpectively be paid.

Diſcharge in eight and twenty days.

(7) And if any ſhip or veſſel importing any goods from any the parts beyond the ſeas, ſhall not fully unlade all the goods imported therein, within eight and twenty days after the arrival of ſuch ſhip or veſſel (wind and weather permitting) in ſome port or haven of this realm, then for preventing fraud or charge, it ſhall be lawful for the ſaid commiſſioners and reſpective cuſtomers and collectors of the cuſtoms, their deputy or deputies, to unlade and take on ſhore all the goods, which ſhall be found in ſuch ſhip or veſſel, and the ſame to ſecure in his Majeſty's warehouſes of the reſpective cuſtom houſes, or elſewhere, and the charge thereof to be borne by the merchants, owners, or claimers thereof, at ſuch moderate rates as the ſaid commiſſioners and reſpective cuſtomers and collectors, or their deputies, ſhall judge equal.

Appeal to the chief governor.

(8) And in caſe any perſon ſhall find himſelf aggrieved touching the ſaid rates, they may appeal to the chief governor or governors of this kingdom for the time being, who are hereby impowered and enabled to determine the ſame.

Penalty for refuſal.

(9) And if any perſon ſhall refuſe to permit ſuch fine goods, or ſuch other goods, to be unladen, taken out and ſecured as aforeſaid, they ſo refuſing, ſhall upon proof thereof, forfeit one hundred pounds.

Goods embezzled, &c.

XXVII. *ſect.* 6. Provided, that if any goods ſo unladen out of any ſhip or veſſel ſhall afterwards be purloined, embezzled, wilfully ſpoiled, or impaired, in ſuch caſe, the officer or warehouſe keeper under whoſe charge the ſaid goods ſhall at ſuch time be, ſhall make full and ample ſatisfaction to the owner or claimer of the ſame, to be adjudged by the barons of his Majeſty's exchequer, or any two of them.

Security from officers.

(2) And the commiſſioners of the cuſtoms are hereby required to take good ſecurity of the officers employed in the premiſſes, for the faithful diſcharge of their reſpective truſts therein.

Entry and payment of cuſtoms.

(3) If any goods, whereof the ſubſidies aforeſaid ſhall be due, ſhall at any time be ſhipped or put into any lighter or veſſel whatſoever, to the intent to be carried into any the parts beyond the ſeas, or elſe being brought from the parts beyond the ſeas, into any place of this realm (except in caſes of neceſſity when ſuch goods are in danger of periſhing) ſhall be unſhipped to be laid on land, without the knowledge, privity, and conſent of the commiſſioners or reſpective cuſtomers or collectors of the cuſtoms for the time being, or before due entry thereof to be made, and the ſubſidies, cuſtoms, and other duties due for the ſame, not paid nor lawfully tendered to the collector thereof, or his deputy, with the conſent and agreement of the comptroller and ſurveyor, or any

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one of them at the leaſt, and warrant in due form and manner paſt for the ſame, then all the ſame goods whatſoever ſo ſhipped, tranſported, and carried, or unſhipped and landed as aforeſaid, or the value thereof, ſhall be forfeited.

Gabbard notes.

XXVIII. *ſect.* 7. If any goods imported from beyond the ſeas, ſhall be unſhipped and put in any lighter or other veſſel whatſoever, without the conſent, privity, or allowance of the commiſſioners or reſpective cuſtomers, or collectors of the cuſtoms, their deputy or deputies, teſtified by a note under their hands, then every ſuch lighter or other veſſel in which ſuch goods ſhall be put, ſhall be forfeited and confiſcated.

Officers to go on board.

(2) Before and during the unlading of any ſhips or veſſels after their arrival in any port of this realm, the commiſſioners and reſpective cuſtomers and collectors of the cuſtoms, may, where and as often as they ſhall ſee cauſe, appoint one or more tide-waiters or officers to go on board every ſuch veſſel, either from beyond the ſeas, or from any other part within this realm, and there to lie and remain on board until the goods of ſuch veſſel ſhall be unladen, or until they the ſaid waiters or officers ſhall be thence diſcharged.

Refuſing to admit officers.

XXIX. *ſect.* 8. If any maſter, owner, or other, taking charge of any veſſel, refuſe and will not ſuffer and permit any ſuch waiter or officer to come on board their veſſel, and there to remain as aforeſaid, and if after the clearing of any veſſel by the commiſſioners of the cuſtoms, collectors, or other officers reſpectively, or the diſcharging of tide-waiters or other officers from on board ſuch veſſel, there ſhall be found on board ſuch veſſel any goods which have been concealed from the knowledge of the officers on board, and for which the cuſtom, ſubſidy, or other duties due upon the importation thereof are unpaid; in every ſuch caſe the maſter, owner, or other perſon taking charge of ſuch veſſel, ſhall forfeit for every ſuch offence the ſum of one hundred pounds.

Entry of particulars, and a bill at large.

XXX. *ſect.* 9. Every merchant, and any other perſon entering any goods to be ſhipped or landed, ſhall make entry thereof particularly, and deliver a bill thereof at large under his hand, or the hand of his aſſignee, for whom he ſhall be reſponſible and anſwerable to the collector, expreſſing the name of the ſhip, and the maſter, the burthen, of whence, and from what place it was freighted, with the marks and numbers of the fardles, bulks, and package in the margin, and the quantities and qualities of all and every the goods that are therein contained, and ſo by him entered, upon pain that every merchant, and other perſon not entering in ſuch form and manner, ſhall for every time forfeit ten pounds.

Short or undue entries.

(2) If any merchant, or other perſon entering in manner as aforeſaid, ſhall make a ſhort or undue entry of the quantity or quality of their goods, every ſuch merchant and other perſon ſhall forfeit all ſuch goods, or the value of them, which ſhall be ſo ſhort or unduly entered.

Declaration to be made.

XXXI. *ſect.* 10. No perſon ſhall carry any goods prohibited, or whereof any the duties aforeſaid are payable, to diſcharge the ſame in any other port or place of this realm, unleſs ſuch perſon do before the ſhipping thereof, declare and manifeſt to the collector of the cuſtoms, or their deputies, together with the cuſtomer or comptroller of the ſaid port where the ſame ſhall be ſhipped in the open cuſtom-houſe, the nature, length, number, or other contents, or value of the ſaid goods.

Bond to be entered into.

(3) And with the approbation of the collector or his deputy, ſhall make and enter into a ſufficient obligation in the law, in which he ſhall be bound to our ſovereign lord the King, with ſufficient ſureties in ſuch ſum as ſhall amount to the double value of ſuch goods ſo declared and manifeſted, with condition that

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the ſame ſhall be diſcharged at ſome lawful port or place within this realm, and in no other ports or places whatſoever; which bonds the ſaid collectors of the cuſtoms, or their deputies reſpectively, are hereby required and authorized to take accordingly.

(4) And in caſe any of the ſaid goods ſhall be ſhipped or laden in any other veſſel, to be carried or tranſported between port and port aforeſaid, before ſuch declaration be made, or ſecurity given as aforeſaid, then the ſaid goods, or their value, ſhall be forfeited. Forfeiture of the goods.

(5) And every perſon that ſhall ſhip ſuch goods, and be bound as aforeſaid, ſhall within two months next after the ſhipping thereof, bring, or cauſe to be brought, a true certificate under the hand and ſeal of office of the cuſtomer or collector, or collectors and comptrollers, or their deputies, of the port where they ſhall happen to diſcharge the ſame, teſtifying that the ſaid goods ſo ſhipped, and the true nature, length, and number, or other contents and value thereof, is there diſcharged and landed, which certificate the cuſtomer and comptroller of ſuch port where the ſaid goods ſhall be diſcharged, ſhall upon the diſcharge thereof, deliver to the party ſo diſcharging the ſame, or to his factor, without delay. Certificate of landing.

XXXII. *ſect.* 11. Every merchant which ſhall bring any goods into any port of this realm, and there entering and paying the cuſtoms or ſubſidy of the ſame, will afterwards convey or carry away the ſame, or any part of the ſame from thence into any other port of this realm, then the owner of the ſaid goods, his factor, or attorney, ſhall bring from the collector and comptroller of the port where the ſaid goods ſhall be ſo entered, a certificate under the ſaid collector and comptroller's ſeals, directed to the cuſtomer and comptroller of the port where the ſaid goods ſhall be carried, ſpecifying or making mention within the ſaid certificate, as well the quality as the quantity of the weight, number, meaſure of the goods ſo entered. Certificate of entry.

(2) And the ſame certificate ſo made, be delivered to the ſaid cuſtomer, collector, and comptroller, before the ſaid goods be diſcharged, that ſo they, or ſuch as they ſhall appoint, may ſee and try whether the quality, quantity, weight, number, or meaſure of the ſame, do agree with ſuch certificate. Delivered before diſcharge.

(3) And if any certificate ſhall not be duly made in form and manner, and ſpecifying or making mention according as is aforeſaid, then the ſaid cuſtomer or comptroller ſhall loſe their office. Penalty on officers.

(4) And if any ſuch goods, or any parcel thereof, be diſcharged and unpacked, or put to ſale within any other port than within the ſame where they ſhall be firſt entered before the ſaid certificate ſhall be delivered, and the goods ſeen as aforeſaid, the ſame ſhall be forfeited and confiſcated. Forfeiture of goods.

XXXIII. *ſect.* 12. No perſon ſhall take upon him to enter, or cauſe to be entered into the book of any cuſtomer, or any other officers of any port within this realm, or their deputies, any goods coming or brought from any parts beyond the ſeas, in the name of any other perſons than the very owners or proprietors of the ſame goods, being not ſold, bargained, or contracted for, to or with any perſon before ſuch entry, or before the arrival of ſuch goods, upon pain of forfeiture of the goods, or value of the goods, which ſhall be entered otherwiſe. Entry in the name of owners.

XXXIV. *ſect.* 13. For the better diſcovering of all prohibited, and other goods and merchandizes, fraudulently or covertly brought in, and landed at unlawful hours and places, the collectors, ſurveyor, ſearcher, waiter, or other perſons appointed thereunto by the commiſſioners of the cuſtoms, under their hands Going on board ſhips.

hands and ſeals, or under the hands and ſeals of the major part of them, ſhall have power and authority to go on board and enter into any ſhip or other veſſel, as well by night as by day, being within any the ports or other places within this realm, and likewiſe at any time of the day to go and enter into any of the cellars, ſhops, or warehouſes, where they ſhall have juſt cauſe of ſuſpicion, to make ſearch for any prohibited goods, and likewiſe any goods either put on board any ſhip or veſſel, or taken out, or carried away, or intended to be carried away, the cuſtoms and ſubſidy for the ſame having not been fully ſatisfied and paid, and the ſaid goods to ſeize, attach, and carry away, ſecure and put into his Majeſty's ware-houſes at the cuſtom-houſes of the reſpective ports, there to remain until they ſhall be diſcharged by due courſe of law.

Search for prohibited goods.

Suits for defaults in the exchequer.

XXXV. *ſect.* 14. All the defaults of ſuch as ſhall attempt to do any thing contrary to the tenor of this act, or of the rules, orders, and directions before mentioned unto the book of rates to be annexed, or to any of the ſeveral articles or branches of the ſame (except as hereafter is excepted) ſhall be heard, inquired, and determined by the barons of his Majeſty's court of exchequer.

Diſpoſal of the penalties.

(2) And the moiety of all fines, penalties, or forfeitures ſhall be unto his Majeſty, and the other moiety to them that ſhall ſeize or ſue for, or proſecute the ſame by action, bill, plaint or information in the ſaid court of exchequer, wherein no wager of law, protection, eſſoign, or other dilatory plea ſhall be allowed.

Seizures to be regiſtered.

XXXVI. *ſect.* 15. Provided, for the avoiding of fraudulent compoſition, that no action, bill, plaint, or information aforeſaid, be exhibited or proceeded in againſt any goods ſeized, until ſuch ſeizures ſhall be regiſtred, and entered with the regiſter or officer to be appointed for that purpoſe in the port of Dublin, and certified by him to be ſo entered and regiſtered, and until ſuch goods be ſecured or laid up in his Majeſty's warehouſe at the cuſtom-houſes of the reſpective ports as aforeſaid.

Neglect in proſecutors.

(2) And in caſe the commiſſioners of the cuſtoms ſhall be diſſatisfied, or apprehend any neglect or delay in any perſon to ſue for, or proſecute in any action, bill, plaint, or information as aforeſaid, it ſhall be lawful for the ſaid commiſſioners to appoint any other perſon whom they ſhall think fit, to proſecute; which other perſons ſhall be true, proper, and lawful proſecutors or ſeizers to all intents and purpoſes, and to whom the moiety of the ſaid ſeizures and forfeitures ſhall be due and payable, and to none other.

Chief governors ſtore.

XXXVII. *ſect.* 16. The lord deputy, or other chief governors of this realm for the time being, ſhall have yearly for their proviſion and ſtore of their houſes, of ſuch wines as ſhall be brought into this realm, the number of twenty tuns, free and diſcharged of all cuſtoms or ſubſidies.

King's council and privy council.

(2) And the ſaid lord deputy, or other chief governors, ſhall alſo have full power to grant and appoint unto every of the privy council, and to his Majeſty's learned council, and clerk of his Majeſty's privy council of this realm, at their diſcretion, from time to time, ſuch portion and quantity of wines, to be freed and diſcharged of the ſaid cuſtoms and ſubſidy, as they ſhall think fit to be meet and competent for every of them after their degrees and qualities.

Limitation of proſecutions.

XXXVIII. *ſect.* 17. Provided alſo, that this act, or any thing therein contained, ſhall not extend to charge any perſon with any penalty or forfeiture for any matter or thing done contrary to this act, unleſs the party offending ſhall be

be ſued or proſecuted for the ſame within twelve months after ſuch matter or thing ſhall be done and committed.

XXXIX. *ſect.* 18. *And becauſe by experience it is found, that the hindering of merchants, ſtrangers, and others from vending his or their goods, without offering them firſt to ſome burgeſs or freeman of ſuch city, corporation, or town where ſuch merchant, ſtranger or other do arrive with his or their goods, commonly known by the name of town bargain, is very deſtructive to the trade and commerce of this realm, and very prejudicial to the revenue,* no ſuch town-bargain ſhall be required, nor any merchant or other hindered or withheld from diſpoſing of their goods, without offering them as aforeſaid; but every merchant, ſtranger, or other, importing any goods from beyond the ſeas, and paying all duties by law due and payable thereupon, may at all times, at their will and pleaſure, freely ſell and diſpoſe of their goods; any charter, cuſtom, uſage, privilege, or liberty of or unto any city or town corporate, at any time granted to the contrary in any wiſe notwithſtanding. Town-bargains.

XL. *ſect.* 19. *And foraſmuch as ſeveral ancient duties, under the name of town and petty cuſtoms, due and payable by merchants ſtrangers, unto ſeveral cities and towns corporate of this your Majeſty's realm, have been and are demanded, received, and taken by their farmers, deputies, or officers, in a far greater quantity and proportion than is of right belonging, in reſpect the ſame have been and are required upon more goods than are truly liable thereunto, and according to the rates after which the cuſtoms have been from time to time encreaſed, and paid unto his Majeſty and his predeceſſors, which exceed far the ancient rates according to which ſuch petty cuſtoms can be required and taken*; henceforth no ſuch petty cuſtoms ſhall be demanded upon any more or other commodities, than were chargeable with the ſame by ancient cuſtom and preſcription, and not according to the encreaſe of his Majeſty's cuſtoms, by the book of rates, nor for any commodities by virtue of any grant, but ſuch as were charged at the time of the grant made of ſuch petty cuſtoms, unto any city or town corporate, nor at any other or greater rates than the ſame were either paid or anſwered by the merchant ſtrangers, at the time of the reſpective granting of the ſame, or as the ſame were taken in the fifteenth year of the late King Henry the ſeventh. Petty cuſtoms.

(2) Upon pain that every perſon demanding or receiving more or greater petty cuſtoms than as aforeſaid, ſhall forfeit for every ſuch offence, double the value of what ſhall be exacted or received upon more commodities, or at greater rates than as aforeſaid. Forfeiture of double the value.

(3) Saving unto Wentworth earl of Kildare, and the heirs males of the body of Gerald Fitz-Gerald earl of Kildare, all ſuch eſtate, right and title of, in, and to the great and little cuſtoms, poundages, ſubſidies, duties, together with the cocquet, and power of conſtituting officers thereunto, in the ports and harbours of Strangford and Ardglaſs in the county of Down and province of Ulſter, and the creeks and members thereunto appertaining, as they or any of them can or may claim or demand, by or under any letters patents thereof made by King Henry the eighth, unto the ſaid Gerald Fitz-Gerald earl of Kildare, as fully and amply as the ſame was granted in and by ſuch letters patents. Saving to the earl of Kildare.

The rates of merchandizes according to which the ſubſidy of poundage and tunnage granted by this act is to be paid is omitted, as there are ſeveral editions of it in a form

a form more uſeful to the officers of the revenue and merchants, than that which is annexed to the ſtatute.

Goods not valued in the book of rates.

XLI. *ſect.* 20. If there ſhall happen to be brought in or out of this realm any goods liable to the payment of cuſtom and ſubſidy, which either are not mentioned in the book of rates, or are not now uſed to be brought in or carried out, or by reaſon of the diverſity of the value of ſome goods could not be rated, in ſuch caſe, every cuſtomer or collector ſhall levy the ſaid cuſtom and ſubſidy of poundage, according to the true value and price of ſuch goods, to be affirmed upon the oath of the merchant in the preſence of the cuſtomer, collector, comptroller and ſurveyor, or any two of them.

Certain rules, orders, and directions, for the advancement of trade, and encouragement of merchants, as alſo for regulating as well of the merchants in making due entries, and juſt payments of their cuſtoms, as of the officers in all the ports of this realm, in the receipt of their ſeveral fees, and in the faithful management of their duties and truſts.

Breaking Bulk.

XLII. *Rule* 1. Every merchant ſhall have liberty to break bulk in any port allowed by law, and to pay cuſtom and ſubſidy for no more than he ſhall enter and land, provided that the maſter or purſer of every ſhip ſhall firſt make a declaration upon oath before two principal officers, of the true content of his lading, and ſhall declare upon oath before the cuſtomer, collector, comptroller, or ſurveyor, or any two of them, at the next port of this realm where his ſhip ſhall arrive, the quantity and quality of goods landed at the other port where bulk was firſt broken, and to whom they did belong.

Stranger's goods.

XLIII. *Rule* 2. No merchant ſhall ſhip off the goods of a ſtranger in the name of a native, upon pain of forfeiture of the goods ſo entered, and all his goods perſonal.

XLIV. *Rule* 3. Every merchant born out of the dominions of his Majeſty, and after made denizen, ſhall pay the cuſtom as before he was made denizen, unleſs he do inhabit and be conſtantly dwelling in this realm; in that caſe ſuch merchants ſhall pay only as a natural born ſubject.

Repayment of duties,

XLV. *Rule* 4. All ſugars and other foreign goods, except wines, tobacco, wrought ſilks, haberdaſhery, and all ſorts of grocery wares, firſt imported, ſhall be again exported by any merchant who is a ſubject of any of his Majeſty's dominions, within twelve months, or a ſtranger within nine months; and ſuch merchants as ſhall export any ſuch foreign goods, except before excepted, ſhall be repaid by the officer which received the ſame, the one moiety of the cuſtom which was paid at the firſt importation of ſuch foreign goods, ſo as

proof of entry.

due proof be firſt made by certificate from the officers, of their due entry and payment of the cuſtom of ſuch foreign goods inwards, together with the further oath of the merchants importing and exporting the ſame, affirming the truth thereof, and the name of his Majeſty's ſearcher or under ſearcher in the port of Dublin, and of the ſearcher of any other the ports, teſtifying the ſhipping thereof to be exported; after which the moiety of the ſubſidy firſt paid inwards ſhall, without any delay or reward more than the duty ſet down in the table

table of fees for the certificate, be repaid unto ſuch merchants who do export ſuch goods, within one month after demand thereof.

XLVI. *Rule* 5. If any merchant, having paid all duties inwards for foreign goods, and in regard of bad ſales, ſhall be enforced to keep the ſame or any part thereof in his hands, without alteration of the property, after the ſpace of a year ſhall be elapſed, he is to be permitted to ſhip the ſame out for any port beyond the ſeas, without payment of any ſubſidy of the ſame outwards, upon due proof that the ſame was duly entered, and ſubſidy paid inwards. Goods outwards.

XLVII. *Rule* 6. No perſon ſhall have any allowance or abatement of ſubſidy made him by bill of ſtore, or otherwiſe, for tobacco, under pretence of being corrupt or unmerchantable: but in caſe any merchant ſhall refuſe to make entry of ſuch tobacco, and to pay the full ſubſidy of the ſame, the principal officers of the cuſtom-houſe, or any two of them, ſhall cauſe all ſuch corrupt tobacco to be publickly burnt, as not wholeſome for uſe, and the owner thereof is to be diſcharged from paying any ſubſidy for the ſame. Bills of ſtore.

XLVIII. *Rule* 7. Every merchant bringing wines into this realm by way of merchandize, and making due entries of the ſame in the cuſtom-houſe, ſhall be alllowed ten *per centum*, for leakage, to be deducted, not out of the quantities of wines, but out of the monies received for the ſubſidy, provided ſuch wines be not filled up on ſhipboard, and if ſo, no allowance then to be made at all for the ſame. Ten per cent on wines.

XLIX. *Rule* 8. Every merchant ſhall be allowed upon all other goods appointed to pay the ſubſidy of poundage, according to the rule of the book of rates to be imported, five in the hundred of the poundage appointed to be paid. Five per cent on goods.

L. *Rule* 9. Every hogſhead of wine which ſhall be run out, and not full ſeven inches or above left therein, and every butt or pipe not above nine inches, ſhall be accounted for outs, and the merchant to pay no ſubſidy for the ſame. Wines run out.

LI. *Rule* 10. If any wines ſhall prove corrupt and unmerchantable, and fit for nothing but to diſtil into hot waters, then every owner of ſuch wines ſhall be abated in the ſubſidy, according to ſuch his damages in thoſe wines, by the diſcretion of the commiſſioners of the cuſtoms in the port of Dublin, and of the collectors and one other of the principal officers in all other the outports. *(This is altered by* Stat. 33 Geo. 2. cap. 10.) Corrupt wines.

LII. *Rule* 11. If any goods except tobacco brought into this kingdom, ſhall receive damage, ſo that the owner thereof ſhall be prejudiced in the ſale of ſuch goods, the commiſſioners in the port of Dublin, and the principal officers of the cuſtom-houſe in all other the ports, or any two of them, whereof the collector to be one, ſhall have power to chooſe two indifferent merchants experienced in the values of ſuch goods, who upon viſiting of the ſaid goods, ſhall certify and declare upon their corporal oaths, firſt adminiſtered by the ſaid commiſſioners or officers, what damage ſuch goods have received, and are leſſened in their true value, and according to ſuch damage in relation to the rates ſet on them in the book of rates, the ſaid officers are to make a proportionable abatement unto the owner of the ſubſidy due for the ſame. Damaged goods.

Old drapery, &c. LIII. *Rule* 12. All merchants tranſporting woollen cloth called old drapery, as alſo bayes and cottons, ſhall be allowed one in ten for a wrapper, free of cuſtom.

Storing commodities, LIV. *Rule* 13. *Inaſmuch as the natural ſituation of this realm renders it ſufficiently convenient for the ſtoring and laying up of commodities and merchandize, brought in with intent to be afterwards carried out again for ſupply of foreign markets, by which much benefit and advantage may ariſe to his Majeſty and people*; the lord deputy therefore, or other chief governors and privy council of this realm may (as they in their judgments ſhall ſeem meet and find moſt advantageous and beneficial to his Majeſty and this kingdom) appoint one certain

ports in each province. port in each province of this realm, to which all merchants, ſtrangers and their factors, ſending his or their goods, with intent, and to the end and purpoſe aforeſaid, may, upon a reaſonable compoſition or agreement to be agreed on by direction of the ſaid lord deputy, or other chief governors and privy council as aforeſaid, and payment thereof made unto the collector or collectors of thoſe ports, in lieu of all cuſtoms or ſubſidies due and payable by this preſent act, there land and lay the ſame up in his Majeſty's ware-houſe at the cuſtom-houſe of thoſe places, or ſuch other ware-houſes or places, and no other, as ſhall be provided for that end and purpoſe by the collector, cuſtomer, and ſearcher of thoſe ports under whoſe joint cuſtody the ſame are to remain, until they be ſhipped out again, which ſhall be done again without payment of any duties outwards, or any thing more than a reaſonable rate for ware-houſe room.

Duties to be paid on ſale. (2) But if any merchant, factor, or other, bringing in or laying up their goods by way of compoſition, ſhall not export, but otherwiſe diſpoſe of the ſame, every ſuch merchant, factor, or other, ſhall, before they receive their goods from the ware-houſe or place where they are laid up, pay unto the collector, not only ſo much as with their compoſition monies ſhall compleat the whole cuſtoms and ſubſidies of ſuch goods, but likewiſe intereſt at the rate of ten pounds *per cent.* for ſo long time as the payment of the full duties of thoſe goods had been forborn.

Rules to be obſerved. (3) And for prevention of all fraud and colluſions, ſuch rules ſhall be obſerved by merchants and officers reſpectively, as the commiſſioners of the cuſtoms, with the allowance and approbation of the lord deputy, or other chief governors and privy council, ſhall from time to time find fit and neceſſary.

Attendance of officers. LV. *Rule* 14. The officers who ſit above in the cuſtom-houſe of the port of Dublin ſhall attend the ſervice of their ſeveral places from nine to twelve of the clock in the forenoon; and one officer or one able clerk ſhall attend with the book in the afternoon, during ſuch time as the officers are appointed to wait at the water ſide, for the better deciding of all controverſies that may happen concerning merchants warrants; and all other the officers of the out-ports ſhall attend every day in the cuſtom-houſe of every reſpective port for diſpatch of merchants and ſhips, between the hours of nine o'clock and twelve in the morning, and two and four in the afternoon. (*The hours of attendance are altered by* Stat. 33 Geo. 2. cap. 10. *See Par.* CCLXXVIII.)

Notice of ſhips. LVI. *Rule* 15. The ſearcher, ſurveyor, or other officer attending in any port or creek, ſhall give knowledge to the collector of the head port to which they

they belong, with all convenient ſpeed, of every ſhip that cometh in or goeth out at any tide by way of merchandize, or with goods from another port by way of certificate.

LVII. *Rule* 16. There ſhall be one ſkipper's book outwards and another inwards, kept in every cuſtom-houſe, wherein every ſhip or veſſel going out or coming in by way of merchandize, or with commodities of this kingdom to or from any other ports by certificate, ſhall enter openly in the cuſtom-houſe the name of the ſhip and of the maſter, the burthen, from whence, and to and from what place it is freighted, before he take in any lading or diſcharge any goods. Skippers books.

LVIII. *Rule* 17. The maſter or purſer of every ſhip coming in by way of merchandize, ſhall deliver under his hand, and upon his oath, before the collector or cheque, one bill of the particulars and contents of the whole lading of the ſhip, with the names of the ſeveral merchants, and the mark, pack, or outward form of the goods according to his knowledge, and ſhall alſo make declaration thereof upon oath. Bill of particulars.

LIX. *Rule* 18. Every maſter of a ſhip that ſhall lade any goods for parts beyond the ſeas, ſhall enter his ſhip with the collector and cheque before he take in any goods, and before his departure ſhall give notice of his whole lading, with the names of the merchants that have laden goods in him, and ſhall anſwer upon oath to ſuch queſtions concerning the ſame, as ſhall be demanded of him. Entry of ſhips.

LX. *Rule* 19. No entry nor agreement with any merchant or others for cuſtoms ſhall be made by the collector or others, nor any cocquet, warrant or certificate, ſealed or ſubſcribed but openly in the cuſtom-houſe. Agreements, &c. openly.

LXI. *Rule* 20. Every merchant making an entry of goods, either inwards or outwards, ſhall be diſpatched in ſuch order as he cometh; and if any officer or his clerk ſhall either for favour of reward put any merchant or his ſervant duly attending by his turn, or otherwiſe delay any perſon ſo duly attending and making his entries aforeſaid, to draw any other reward or gratuity from him than is limited in the table of fees hereafter following, if the maſter, officer, or the clerk be found faulty therein, they ſhall reſpectively, upon complaint to the ſaid commiſſioners or chief officers, be publickly diſcharged of their employments, and not permitted to ſit any more in the cuſtom-houſe. Order of diſpatch.

LXII. *Rule* 21. Every merchant or other that will tranſport any goods by way of merchandize for foreign parts, ſhall make his entry particularly thereof, with the collector and cheque, by a bill under his hand, or the hand of his aſſigns, with the name of the ſhip, the maſter, the burthen, of whence, and to what place it is freighted, with the marks and numbers of the packs, caſks, fardles, or other bulks, and the true quantity and quality of the goods therein contained. Entries outwards.

(2) Which bill ſhall forthwith be entered in a book by the collector, and delivered to the comptroller to be entered by him likewiſe, and to file and keep the bill of every ſhip together as they ſhall be entered, and the true value of the goods, and of the cuſtom and duties thereupon due, ſhall be likewiſe ſet forth and charged in the books at the time the merchant maketh his entry.

LXIII. *Rule* 22. All goods allowed for ſtore, portage, or proviſion inwards or outwards, ſhall be valued according to the book of rates, although the Goods for ſtore, &c.

the ſame neither doth nor ſhall pay any cuſtom, and ſhall be entered in books diſtinctly and apart by themſelves.

Examination of goods.

LXIV. *Rule* 23. The ſearcher or ſurveyor ſhall have all cocquets, certificates, and warrants delivered unto him before the ſhipping or landing of any goods therein contained, and at the time of the ſhipping or landing thereof, ſhall have the ſaid cocquets, certificates, and warrants with them, that the goods may be thereby examined whether they agree in quantity and quality or no, which if he neglect to fail to do, every ſuch ſurveyor or ſearcher ſhall forfeit their place.

Merchants cocquets.

LXV. *Rule* 24. Every merchant ſhall have his particular cocquet and certificate by himſelf, ſealed and ſubſcribed openly in the cuſtom houſe by the collector and comptroller, bearing date the ſame day that he entered his goods.

Indorſement of licenſes.

LXVI. *Rule* 25. All entries inwards or outwards by licenſe, ſhall be indorſed upon each particular licenſe, with the name of the merchant, the date of the cocquet or entry, and the particular quantities ſhipped or landed by virtue thereof, ſhall be alſo ſet down and entered in the books to which they properly belong.

Certificate for ſhipping.

LXVII. *Rule* 26. All merchandize cuſtomed outwards in any ſhip or veſſel, which for ſome cauſe cannot be laden aboard the ſame ſhip, ſhall be appointed to another ſhip by certificate openly ſealed, ſubſcribed and delivered in the cuſtom-houſe, upon the oath of the ſearchers or ſurveyors, and of the owners thereof openly taken, that the ſaid goods did not paſs according to former cocquets.

Entry by bills at large.

LXVIII. *Rule* 27. Every merchant entering any merchandize inwards, or taking up any goods by ſtore or portage, ſhall make entry thereof particularly, and deliver a bill thereof at large under his hand, or the hand of his aſſignee to the collector, with the name of the ſhip, and of the maſter, the burthen, of whence, and from what place it was freighted, with the mark and number of the fardles, bulk and package in the margin, and the true quantities and qualities of the goods therein contained, and the ſaid collector ſhall with all convenient ſpeed caſt up the value of the goods and merchandizes therein, and the cuſtoms and ſubſidies thereupon due, and write it upon the ſaid bill, with the number and date of the bill, according to which it ſhall be preſently entered in the book inwards, to be kept by the ſaid collector, and then by him delivered to the comptroller or cheque to be likewiſe entered, according to which bill another being ſubſcribed by the ſaid collector, comptroller, or cheque, and numbered and dated as the former, ſhall be to the ſurveyor, ſearcher or waiter, a warrant to ſuffer the wares and merchandizes therein contained to be landed and diſcharged accordingly.

Entries at ſight.

LXIX. *Rule* 28. All goods of which any merchant ſhall make oath he cannot perfectly enter for want of bills of lading, advice, or ſome other juſt cauſe, ſhall be entered at ſight, and ſhall be taken up by warrant *ad viſum*, dated the day of the entry thereof, ſubſcribed and delivered openly in the cuſtom-houſe to the ſearcher or ſurveyor, who ſhall ſee the ſame brought to the cuſtom-houſe key or wharf, and give knowledge thereof to the ſaid officers, which officers ſhall ſuffer the ſaid goods to be taken up in the preſence of the ſurveyor or ſearcher, and viewed in ſome convenient place, and the owner thereof ſhall forthwith make an entry thereof particularly under his hand, or under the hand of his aſſignee, with the collector and comptroller, and thereupon

upon a warrant ſhall be made for clearing and paſſing of the ſaid wares as aforeſaid accordingly.

Payment for ware-houſe room.

LXX. *Rule* 29. Every merchant taking up goods at ſight or otherwiſe, who ſhall ſuffer their goods to remain in any the ware-houſes of the cuſtom-houſe longer than ſeven days without entering or clearing the ſame, ſhall, for ſuch times as they continue there longer, pay ſuch reaſonable rates for ware-houſe room as the commiſſioners of the cuſtoms, or the reſpective collectors of the ports ſhall direct, the one half thereof ſhall be to the uſe of his Majeſty, and the other to the ware-houſe keeper, and to be paid before the delivery of ſuch goods unto the merchant.

Searchers and waiters.

LXXI. *Rule* 30. In the port of Dublin, the commiſſioners of the cuſtoms, and in every other port where more than one, whether ſearcher, ſurveyor, or waiters, are appointed to attend there, the collector ſhall direct under his hand which and how many of them ſhall take charge of every reſpective ſhip going forth or coming into the ſame port, to ſee the goods therein diſcharged according to ſuch warrants as they ſhall receive from the collector and comptroller.

Officer neglecting.

(2) And every ſuch officer as ſhall neglect, upon notice given by the merchant, to attend the lading or unlading of any goods, ſhall forfeit for every default five pounds, the one moiety to the King, and the other to the party aggrieved and ſuing for the ſame.

Officers books.

LXXII. *Rule* 31. Every officer appointed to attend the lading or unlading of goods, ſhall enter into a book, to be given him for that purpoſe by the commiſſioners or collectors in the ſeveral ports, and in no other book or paper whatſoever, the name of every ſhip and maſter, unto the lading or unlading whereof he ſhall be appointed, and underneath each reſpective ſhip or maſter's name, either going out or coming in, ſhall enter the date of every warrant, cocquet, *tranſire*, or certificate according to the order of their dates which he ſhall receive for the ſhipping or landing any goods, together with the quantities, qualities, numbers, weights, meaſures and marks of all the goods which ſhall be ſhipped or laid on ſhore upon any ſuch warrant, &c. with the time when, and how much at a time of the ſame was ſo landed or ſhipped off.

Books to be delivered up.

(2) Which book ſhall quarterly, or as ſoon as filled or written out, be delivered up to the commiſſioners or the reſpective collectors of the ports, or ſooner whenſoever thereunto required.

Penalty on officers.

(3) And every officer that ſhall omit the doing hereof, or enter the goods ſhipped off or landed in any other book or papers, than the book that ſhall be given them for the purpoſe aforeſaid, to be diſcharged from their employment.

Searcher's book.

LXXIII. *Rule* 32. Every ſearcher or ſurveyor ſhall enter into a book, to be by him kept for that purpoſe, the day of the going out and coming in of every ſhip, by way of merchandize, or by certificate from another port, with the name of the ſhip and maſter, and the date of every man's cocquet, warrant, and certificate.

Detaining ſhips.

LXXIV. *Rule* 33. No officer of the cuſtom-houſe having power to ſearch and viſit any ſhip outward bound, ſhall without juſt and reaſonable ground detain any ſuch ſhip under colour of ſearching the goods laden therein, above one tide after the ſaid ſhip is fully laden and ready to ſet ſail, upon pain of loſs

of

of the office of ſuch offender, and of rendering damage to the merchant and owner of the ſhip, unleſs any occaſion or delay happen by ſtreſs of weather, or other emergency.

Penalty of concealment.

LXXV. *Rule* 34. If any wharfinger, crane keeper, ſearcher, lighter man, waiter, or other officer, do conſent or know of any goods ſhipped or landed without payment of ſubſidy, or at any unlawful place, or at any unlawful time, and do not diſcloſe the ſame within one month after, they ſhall forfeit one hundred pounds and loſe their place.

Cocquets or warrants.

LXXVI. *Rule* 35. Every officer that maketh any cocquet or warrant contrary or diſagreeing to the entry of any goods ſhall loſe their place.

Diligence in ſeizing.

LXXVII. *Rule* 36. All officers whom it concerns in their reſpective places, ſhall be diligent and careful to make ſtay and ſeizure of goods that ſhall be brought in or carried out, or intended to be carried out of this realm, contrary to the laws of the ſame.

Storing goods ſeized.

LXXVIII. *Rule* 37. All goods and merchandizes that ſhall be ſeized or ſtayed, ſhall, preſently after ſuch ſeizure or ſtay, be delivered into the charge of the warehouſe keeper at the cuſtom houſe of the port where ſuch ſtay or ſeizure ſhall be made, there to remain until ſufficient warrant and diſcharge ſhall be brought for releaſe and delivery thereof.

Certificate of ſeizures.

LXXIX. *Rule* 38. Every officer who ſhall make any ſeizure, ſhall forthwith acquaint the commiſſioners of the cuſtoms therewith, and likewiſe certify the ſame to the regiſter of ſeizures in the port of Dublin, together with the quantity and quality of the goods ſo ſeized, the time when, the ground whereupon he ſeized the ſame, with ſuch other circumſtances as are fit to be known for exhibiting informations in the exchequer againſt the ſame.

Compoſition for ſeizures.

LXXX. *Rule* 39. No perſon ſhall make compoſition or agreement for the ſeizure or forfeiture of any goods without licenſe out of the court of exchequer, or other lawful warrant firſt had and obtained.

Payments to collectors.

LXXXI. *Rule* 40. All licenſes, compoſitions, fines, recoveries, warrants, orders, and other diſcharges to be made upon the aforeſaid ſeizures and informations, are to be entered with the regiſter aforeſaid, and the monies thereupon payable to the uſe of His Majeſty to be paid to the collectors of the reſpective ports.

Appraiſements of goods.

LXXXII. *Rule* 41. All appraiſements of goods ſeized as aforeſaid, are to be delivered to the regiſter aforeſaid, before they be returned into the exchequer, to be by him examined and entered; and if the goods be too much undervalued, the ſaid regiſter is to make ſtay thereof, and to acquaint ſome of the barons of the exchequer therewith, to the end that a review and new appraiſement may be made of the goods.

Bonds to be delivered.

LXXXIII. *Rule* 42. All bonds taken for ſhipping goods to the coaſt, for which certificates are returned, ſhall be delivered quarterly into the exchequer with the certificate thereunto annexed and indorſed alſo thereupon, and every term after the account of the officers that did take them is paſt, the ſaid bonds ſhall be delivered to every perſon that ſhall ſue for the ſame, paying the uſual fees.

Proceſs upon bonds.

LXXXIV. *Rule* 43. All other bonds taken by the collectors that be expired, and all other bonds for which no certificates are returned according to their conditions, ſhall be delivered likewiſe into the exchequer quarterly after the breach of ſuch conditions, that proceſs and execution may be had thereupon according to law.

LXXXV.

LXXXV. *Rule* 44. The collectors of the ſeveral ports ſhall monthly ſend up an abſtract of their ſeveral receipts, and quarterly an account of their quarters receipts unto the commiſſioners of the cuſtoms, which account ſhall be half-yearly delivered by the ſaid commiſſioners unto the auditor-general of *the* exchequer. Abſtract of receipts.

(2) And every collector ſhall yearly betwixt the beginning of *Eaſter* and ending of *Trinity* term, repair to *Dublin*, there to make oath of the truth of their reſpective accounts ſent up to the ſaid commiſſioners, and by them delivered to the auditor as aforeſaid, and ſhall, before they depart, fully adjuſt and clear their accounts, every collector failing herein to loſe his or their places. Collectors accounts.

LXXXVI. *Rule* 45. The commiſſioners of the cuſtoms ſhall take inſpection of the accounts, actions, and proceedings of the collectors, and all other officers in the ſeveral ports, by viewing the books, papers and accounts as often as they ſhall ſee cauſe. Commiſſioners of the cuſtoms.

(2) And the ſaid collectors or other officers at all times and upon demand, are to render an account of their proceedings, and to permit them or any of them, to have the ſight and peruſal of all their accounts, books, entries, warrants, or other papers, and to take notes out of the ſame as they ſhall judge requiſite, every officer refuſing to give obedience herein ſhall forfeit their places. Officers to account.

LXXXVII. *Rule* 46. The ſaid commiſſioners, or ſome of their number ſhall, once every year at leaſt, viſit the ſeveral out-ports, to make obſervation and take cogniſance how the affairs of the ports be carried on, and how the ſeveral officers demean themſelves in diſcharge of their truſts, and to rectify things in the beſt manner they poſſibly may, by giving ſuch fitting and further inſtructions to be their rules and guide in the execution of this act, as they the ſaid commiſſioners, with the approbation of the chief governors and privy council, ſhall think fit. Viſiting the out-ports.

LXXXVIII. *Rule* 47. The commiſſioners of the cuſtoms ſhall not at any time be more than ſeven, or leſs than five in number, to be appointed by the lord lieutenant, chief governors and privy council, and known unto them for perſons of ability and experience in cuſtom affairs, who ſhall have commiſſion under the great ſeal of this realm, during pleaſure only, and ſhall make oath, the ſame to be adminiſtered by the lord chief baron, for the true and faithful diſcharge of their truſt before they enter upon the ſame. Numbers of commiſſioners.

LXXXIX. *Rule* 48. No commiſſioner or any officer of the cuſtoms, their deputies or ſervants, ſhall have any ſhip of their own, or ſhall buy or ſell by way of merchandiſe, or ſhall meddle with freighting or ſhipping, or occupy any wharf or key, or hold any hoſtlery or tavern, or ſhall be any factor or attorney for any merchant, or ſhall be hoſt to any merchant, or ſhall be a common officer or deputy of any common officer in the city or town where they ſhall be collector, comptroller or ſearcher, upon pain of loſing their employments as to the cuſtoms. Officers not to trade, &c.

XC. *Rule* 49. Every collector or other officer, ſhall do their diligent attendance at the cuſtom houſe, as ſhall be moſt for the diſpatch of the merchant, without concealing or conſenting to any thing which may be to the damage of his Majeſty, in the juſt anſwering of the cuſtoms, upon pain that every ſuch officer ſhall forfeit their ſeveral employments. You are hereby required to take care that the act paſſed in England, entitled, *An act for the encouraging and increaſing of ſhipping and navigation*, be duly obſerved and executed. *See Tit.* Ships. Attendance of officers.

A TABLE of FEES to be taken by His MAJESTY's Officers reſpectively, in the ſeveral and reſpective Ports in *IRELAND*, *viz.*

	Cuſtomer.		Surveyor General		Comptroller.		Searcher.	
	s.	d.	s.	d.	s.	d.	s.	d.
Entry or invoice of every ſhip from England or Scotland by natives	1	4	0	4	0	4	1	0
From foreign parts by natives	1	8	0	8	0	8	2	0
Ditto by ſtrangers	2	0	1	0	1	0	2	6
Outvoice, or entry of every ſhip to England or Scotland by natives	0	4	0	4	0	4	0	6
Entry to foreign parts, by natives	0	4	0	4	0	4	0	6
By ſtrangers	1	0	1	0	1	0	1	0
Clearing in or out, by natives	0	6	0	3	0	3	0	0
By ſtrangers	1	4	0	8	0	8	0	0
Clearing in or out, to or from foreign parts	1	0	0	6	0	6	0	0
Entry of goods, to or from England or Scotland	0	4	0	4	0	4	0	6
Ditto, from foreign parts	0	8	0	8	0	8	0	6
Bills of ſtore, by natives	0	6	0	6	0	6	0	6
Ditto, for ſtrangers	0	0	0	0	0	0	0	6
For every cocquet	1	0	0	9	0	9	0	6
Invoice for every veſſel coaſt ways	0	2	0	1	0	1	0	3
Warrant for diſcharging goods coaſt ways	0	0	0	0	0	0	0	6
Entry of every coaſting veſſel outwards	0	2	0	1	0	1	0	3
Every lett-paſs, tranſire, or cocquet along the coaſt, for all goods for which bond is given	0	0	0	0	0	0	0	6
But in caſe where duty is paid inwards, and none outwards, the merchant or owner, ſhall be obliged to take out a certificate of the payment of the duty, and not otherwiſe.								
Certificate for goods that paid duty inwards, and none outwards	1	2	0	7	0	7	0	0
For every coaſt certificate that is to be returned in diſcharge of a bond	1	2	0	8	0	8	0	6
Cancelling or diſcharging bonds, and filing the certificate	0	6	0	0	0	0	0	0
Every endorſement on cocquets, or return of a certificate	0	4	0	4	0	4	0	0
For endorſing every licenſe for wool, or other goods	0	4	0	0	0	0	0	0
Certificate for landing coals	1	2	0	4	0	4	0	0
For bonds to his Majeſty's uſe for employment	1	6	0	0	0	0	0	0
Bonds to his Majeſty's uſe on all occaſions, except for employment	1	0	0	0	0	0	0	0

Certificate

	Cuſtomer.		Surveyor General.		Comptroller.		Searcher.	
	s.	d.	s.	d.	s.	d.	s.	d.
Certificate upon warrant from the chief governor paying no duty	1	6	0	9	0	9	0	0
Cocquet of every great ſhip laden with corn exported out of the kingdom, 100 tuns burden, and upwards	0	0	0	0	0	0	6	8
The like for every ſmall bark laden with corn under 100 tuns, exported out of the kingdom, and not otherwiſe	0	0	0	0	0	0	3	4
Every dicker of tanned hides	0	0	0	0	0	0	0	2

Every tun of liquors, gauger —— —— 4d.
Every barrel of beef, herrings, &c. gauger —— —— ¼
Every tun of tallow, butter, &c. gauger —— —— 10d.
Every pack of yarn, frize, ſkins, &c. packer —— 4d.

Fees to be taken for Cranage and Wharfage, jointly and never ſeparately, in the port of Dublin only, viz.

For all liquids and all dry goods in caſk, and for all weighable commodities per tun, for both cranage and wharfage, craner —— —— 6d.
For looſe rheams or bundles of paper, per 100, craner —— 4d.
For bags of wool, hops, horſe packs, packs of ſkins, or cheſts of glaſs, or earthen ware, trunks or caſes, cribbs of glaſs, bales of paper, hampers and baſkets of bottles, and the like, in or out, craner —— —— 2d.
For barrels of anchovies, capers, keggs of ſturgeon, jars of oil, and olives, and the like, per ſcore inwards, craner —— —— 2d.
For calve ſkins, goat ſkins, and pelts looſe, the 100 containing ten dozen, in or out, craner —— —— —— 1d.
For boxes, bundles, truſſes, barrels, and the like inwards, each, craner 1d.
For every hundred of barrels of lamb-black, craner —— 2d.
For beef, herrings, butter, tallow, pork, cheeſe, and ſalmon per tun, outwards, craner —— —— —— —— 4d.
For any other goods not here mentioned, that ſhall come to the crane, per tun, craner —— —— —— 6d.
For every hundred and twenty deal boards, or ſalt and tanned hides, craner —— —— —— —— 2d.
For grain and meal of all ſorts, ſalt and coals, per tun, at ten barrels to the tun, craner —— —— —— 1d.
Timber per tun, craner —— —— —— 6d.
Every thouſand of pan tyles, to pay, craner —— —— 3d.

None of the above goods to pay the above cranage and wharfage, or any other fee, unleſs the merchant or owner ſhall actually land them at the cuſtom houſe quay, or ſhip them off thence.

It is agreed upon between the maſters, wardens and brethren of the guild of merchants, Dublin, and the ſeveral patent officers of the cuſtom houſe abovementioned, that the above fees ſhall be taken for the future, and none other.

Ex. per THO. TILSON, *Cler. Parl. Dom. Com.*

Salaries.

XCI. *ſect.* 20. If the fees above mentioned, by reaſon of the ſmallneſs of trade in any ports of this kingdom, ſhall appear to be too little, or not ſufficient for maintenance of his Majeſty's officers employed in ſuch ports, the lord lieutenant or chief governors and privy council ſhall have liberty to eſtabliſh ſuch ſalary to be paid yearly unto the ſaid officers out of the exchequer as they ſhall think fit, and as the ſervice of ſuch officers may juſtly deſerve.

Taſters fees.

XCII. *ſect.* 21. Provided that it ſhall be lawful for the taſter of wines, oils, and other liquors imported, and the ſurveyor of the outs and defects of the ſame, to receive the fees following, viz. for every butt, pipe, puncheon, or large caſk that ſhall be taſted or ſurveyed, ſix pence; for every hogſhead, tierce, barrel, rundlet, or ſmaller veſſel that ſhall be taſted or ſurveyed, three pence.

Proviſoes concerning the rates of ſome goods.

Silk manufactures.

XCIII. *ſect.* 22. Provided always that all ſilks, and ſilk manufactures imported into this your Majeſty's kingdom of Ireland, from any foreign parts, other than from the kingdom of England, and dominion of Wales, do pay one entire third part more over and above the rates impoſed, and ſet by the book of rates above mentioned; any thing before in this act, or in the ſaid book of rates to the contrary notwithſtanding.

Plantation goods.

XCIV. *ſect.* 23. Provided alſo, that all ſugars, indigo, ginger, cotton-wools, as all other wools, and all other commodities of the growth or manufacture of any the Engliſh plantations firſt imported into, and landed in England or Wales, and afterwards exported from thence into this your Majeſty's kingdom of Ireland, do pay but one half part of all ſuch cuſtom and ſubſidies, as according to the the ſaid book of rates is impoſed, and ſet upon the ſaid commodities.

Wines and tobacco.

(2) And that all wines and tobaccoes of what ſort ſoever imported into this your Majeſty's realm of Ireland, out of your kingdom of England, or dominion of Wales, do pay ſo much only in ſubſidy, as upon the exportation of the ſame wines, and tobaccoes out of England, ſhall or ought to be repaid or diſcharged of the ſubſidy of tunnage and poundage, and additional duties there paid or ſecured for the ſame.

Foreign commodities.

(3) And that for all other foreign commodities, except wines and tobaccoes, and commodities from the Engliſh plantations above mentioned, imported into this your Majeſty's kingdom of Ireland, by any his Majeſty's ſubjects from any the parts and places beyond the ſeas, other than from his Majeſty's realm of England, and dominion of Wales, there ſhall be ſatisfied and paid to his Majeſty, his heirs and ſucceſſors for ever, one third more in ſubſidy, over and above the ſubſidy payable for the ſame according to the book of rates above mentioned.

Alien's duties.

(4) And that for all or any of the commodities or merchandizes mentioned in this act, or in the book of rates above mentioned, which ſhall hereafter be imported or exported by any aliens or ſtrangers, born out of his Majeſty's allegiance, the ſaid aliens or ſtrangers ſhall pay double the cuſtom or ſubſidy payable

payable by virtue of this act, for the ſame commodities and merchandizes imported, or exported, by natural born ſubjects; any thing before in this act, or in the book of rates, to the contrary notwithſtanding.

XCV. *ſect.* 39. In caſe any merchant or other perſon ſhall find his wine, or any part thereof in his judgment ſo damaged, corrupt, or unmerchantable, as not to be worth the duties, in ſuch caſe, ſuch merchant ſhall have liberty, immediately after the landing the ſaid wines, to ſtave or ſpill the ſame, or mix each hogſhead thereof with twenty pounds weight of ſalt, and ſo in proportion for any greater or leſſer caſk, in the preſence of ſuch officers as ſhall be appointed for that purpoſe by the commiſſioners of exciſe, or any three of them, or the collector, or other chief officer of the port where the wines ſhall be imported. Damaged wines.

(2) And the merchant ſo ſtaving and ſpilling, or mixing ſuch wine with ſalt, ſhall be repaid the whole duty paid by him for the ſame, without any delay, charge, fee, or deduction. Duty to be repaid.

(3) And in order to certify the quantity of wine ſo deſtroyed, the proper officer appointed for diſcharge of the ſhip, importing the ſame, ſhall make an entry thereof at the foot of the merchant's warrant. Entry by officer.

XCVI. *ſect.* 40. Over and above the duties repaid as aforeſaid, the merchant or other perſon ſhall, for every tun of wine ſo deſtroyed, if of the growth of Germany, or wines which pay duties as ſuch, be allowed, as a compenſation for the freight and other charges, four pounds; and for every tun of wine of the growth of France, ſo deſtroyed, forty ſhillings; and for wines of the growth of Portugal, Spain, and elſewhere, ſix pounds, and ſo proportionably. Allowance for charges.

(2) Which allowances ſhall, without any delay be paid, on a certificate of the ſaid wines being ſo ſpilt or mixed with ſalt, out of the duties payable to his Majeſty, and the proper officers are required to make out and ſign ſuch certificate without fee or reward. Certificate without fee.

XCVII. *ſect.* 41. Provided, that any thing herein contained, or to be done in execution thereof, ſhall not extend to diminiſh the duties of prizage or butlerage of wines, due upon the importation of the ſame, but the ſame ſhall be collected in the ſame manner as if this act had never been made. Prizage and butlerage.

XCVIII. *ſect.* 42. Provided alſo, that no allowance ſhall be made for any ſuch corrupt or decayed wine, unleſs ſuch wine ſhall be imported in caſks, directly from the country or place of the growth of ſuch wine, or the uſual place of its firſt ſhipping, but the ſame ſhall be ſtaved or mixed with ſalt as aforeſaid, unleſs the full duty be paid for the ſame. No allowance.

XCIX. *ſect.* 43. All goods which ſhall be ſaved out of any veſſel or ſhip that ſhall happen to be forced on ſhore, or ſtranded on the coaſt of this kingdom, not being wrecked goods, jetſam, flotſam, or lagan, ſhall be entered with the proper officer as if the ſaid goods were regularly imported, and (after all charges of ſalvage and other charges paid) be ſubject to the payment of the like cuſtoms and duties, and the owners be intitled to ſuch drawbacks on exportation, and the like allowance and abatements as ſuch goods would by any laws now in force be liable unto, or the owners be intitled to have, in caſe the ſame were regularly imported. Goods forced on ſhore.

C. *Stat.* 21 & 22 *Geo.* 3. *cap.* 15. *ſect.* 71. Whereas for better levying duties upon goods and merchandizes which are not rated, and pay cuſtom, *ad valorem*, it is provided by thirty third of his late Majeſty, that if not valued On ſale of goods by collector purſuant to 33 G. 2.

c. 10. ſ. 7 he may, after paying the value ſworn to and 10 per cent. over, retain one moiety to his own uſe, the other accounted for.

lued by oath or affirmation of the merchant, according to the true value and price, the collector, on paying to importer or owner the value ſo ſworn to or affirmed, with an addition of ten pounds *per centum* over and above, ſhall cauſe ſaid goods to be fairly and publickly ſold for beſt advantage, and that the produce, after repayment of the money paid to importer or proprietor, ſhall be accounted for by ſuch collector, as the duties on ſuch goods; but by reaſon no reward is given to ſuch collector for his trouble, the remedy is ſeldom reſorted to: it ſhall be lawful for the collector or proper officer, to take and receive to his own uſe, one moiety of the overplus, after paying to importer or proprietor of ſuch goods the value ſworn to or affirmed, and the ten pounds *per centum* thereupon, the other moiety to be accounted for as by ſaid act.

Packages valued with the goods, and pay duty.

CI. *ſect.* 72. Whereas in many caſes the packages which contain goods unrated, are of as great or greater value than the goods: where ſuch veſſels or packages are of real value, the value thereof ſhall in every valuation be added to the value of the goods, and pay duty accordingly.

Cyder.

Retailed only by licence.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 8. From twenty fifth December one thouſand ſeven hundred and eighty one, no perſon ſhall ſell or tap out by retail any cyder within this kingdom, but only ſuch as licenſed according to this act, under ſuch penalty as herein after expreſſed.

Licence by 3 commiſſioners and by collectors,

fee 1s. 1d.

II. *ſect.* 9. From twenty fifth December one thouſand ſeven hundred and eighty one, it ſhall be lawful for chief commiſſioners of exciſe, or any three, and collectors of exciſe, in their ſeveral and reſpective diſtricts, from time to time, to iſſue and grant ſuch licences, for ſelling and tapping out cyder by retail; and for every ſuch licence, one ſhilling and one penny, and no more, ſhall be paid or demanded as a fee; and if any perſon ſhall after twenth fifth December one thouſand ſeven hundred and eighty one, ſell or tap out cyder

retailing without 5l.

by retail without ſuch licence, ſo offending, ſhall, for every time he or ſhe ſhall ſo offend, forfeit and pay five pounds.

Entry by day to take account and charge 1d. per gallon.

III. *ſect.* 10. It ſhall be lawful for gaugers, and officers of exciſe within their diſtricts, from time to time, after twenty fifth December one thouſand ſeven hundred and eighty one, to enter in day time into houſes, out houſes, ſtore houſes, and cellars of every retailer of cyder, and to take an account of all ſuch cyder as ſhall be found in poſſeſſion of ſuch retailer, and to charge with ſaid duty of one penny per gallon accordingly.

Stock ſhewn on demand,

refuſal 10l.

and 10l. if more found.

IV. *ſect.* 11. From twenty fifth December one thouſand ſeven hundred and eighty one, every retailer of cyder ſhall ſhew to gauger or officer of exciſe on demand, all ſtock of cyder then on hand; and in caſe any ſuch retailer, or his, her, or their ſervant or ſervants (in caſe ſuch retailer not preſent when the gauger or officer ſhall come to ſuch retailer's houſe to take ſtock,) ſhall refuſe to make declaration, and ſhew all ſtock then on hand, every ſuch retailer ſhall, for every ſuch offence, forfeit ten pounds; and if ſuch gauger or officer of exciſe ſhall, after declaration made, find any cyder in poſſeſſion or cuſtody of ſuch retailer, over and above the quantity ſo ſhewn and declared, ſuch retailer ſhall likewiſe forfeit ten pounds.

Damage clear.

Stat. 7 Will. 3. cap. 10. ſect. 1. No damage clear ſhall by any pretence be payable or received in any action ſued in any of his Majeſty's courts, and the ſaid fee of damage clear ſhall be aboliſhed. Damages clear aboliſhed.

(2) And if any prothonotary, clerks or other officer in any of the ſaid courts, ſhall take any money in the name of damage clear, or any thing in lieu thereof, or if any of the ſaid prothonotaries, clerks or their deputies, ſhall take any damage clear, or money, bond, or ſecurity in lieu thereof, from any plaintiffs or demandants in any action where damages ſhall be recovered in any of the ſaid courts, or ſhall refuſe or delay to ſign any judgment until damage clear be firſt paid, they ſhall forfeit treble the ſum taken or demanded to the parties grieved, to be recovered by bill, *&c.* in any of the ſaid courts, wherein no eſſoign, *&c.* ſhall be allowed. Penalty on clerks, &c.

Damages and Coſts.

I. *Eng. Stat.* Glouc. 6 *Edw.* 1. *cap.* 1. *ſect.* 1. In aſſize of *novel diſſeiſin*, if the diſſeiſors alien the lands, and have not whereof the damages may be levied, they to whoſe hands ſuch tenements ſhall come, ſhall be charged with the damages, ſo that every one anſwer for his time. Allening lands.

(2) Alſo the diſſeiſee ſhall recover damages in a writ of entry upon diſſeiſin againſt him that is found tenant after the diſſeiſor: alſo damages ſhall be awarded where a man recovereth by aſſize of *mort dancestor*, as in aſſize of *novel diſſeiſin*: and likewiſe damages ſhall be recovered in writs of *couſinage*, *aiel*, and *beſaiel*. Recovery of damages.

II. *ſect.* 2. The demandant ſhall recover againſt the tenant the coſts of his writ purchaſed, together with the damages aboveſaid: and this act ſhall hold place in all caſes where the party is to recover damages: and every man ſhall be compelled to render damages where the land is recovered againſt him upon his own intruſion or act. Coſts to demandants.

III. *Eng. Stat.* expoſ. Stat. Glouc. 6. *Edw.* 1. In all writs of *mort dancestor*, *couſinage*, *aiel*, or *beſaiel*, and touching intruſion, or of one's own act, by any manner of writ, the damages ſhall run after the writ purchaſed againſt them that held ſince the ſtatute, albeit their anceſtors died ſeized. In all writs.

IV. *Eng. Stat. 3 Hen. 7. cap. 15. ſect.* 2. If any defendant or tenant, or any other that ſhall be bound by the judgment, ſue afore execution had any writ of error in delay of execution, if the judgment be affirmed, or writ of error be diſcontinued in default of the party, or the perſon that ſueth writ of error be non-ſuited, the perſon againſt whom the writ of error is ſued, ſhall recover his coſts and damages for his delay, by the diſcretion of the juſtice afore whom the writ of error is ſued. Defendants.

V. *Stat.* 10 *Car.* 1. *ſeſs.* 2. *cap.* 17. *ſect.* 2. If any perſons ſue in any court of record, or elſewhere in any other court, any action of treſpaſs upon the ſtatute of King Richard the ſecond, made in the fifth year of his reign for entries into lands where none entry is given by the law, or any action of debt or covenant, or upon any contract ſuppoſed to be made between the plaintiffs and any perſons, or any action of detinue of goods whereof the plaintiffs ſhall ſuppoſe that the property belongeth to them, or any action of account in the which the plaintiffs Actions of treſpaſs, &c.

plaintiffs ſuppoſe the defendants to be their bailiffs or receivers of their manors in caſe money, or goods, or any action upon the caſe, or upon any ſtatute for any offence or wrong perſonal, immediately ſuppoſed to be done to the plaintiffs, and the plaintiffs after appearance of the defendants be non-ſuited, or any verdict happen to paſs by lawful trial againſt the plaintiffs, the defendants ſhall have judgment to recover coſts againſt ſuch plaintiffs, to be taxed by the diſcretion of the judges of the court where ſuch action ſhall be ſued; and every defendant in ſuch action, ſhall have ſuch proceſs and execution for the recovery of his coſts againſt the plaintiffs, as the plaintiffs might have had againſt the defendants, in caſe judgment had been given for the plaintiffs in ſuch action.

coſts againſt plaintiffs.

Poor perſons.

VI. *ſect.* 2. Provided, that ſuch poor perſons being plaintiffs in any of the ſaid actions, which at the commencement of the ſuits be admitted by diſcretion of the judges, where ſuch ſuits ſhall be purſued to have their proceſs and counſel of charity, ſhall not be compelled to pay any coſts by this ſtatute, but ſhall ſuffer other puniſhment as by the diſcretion of the juſtices or judge before whom ſuch ſuits ſhall depend, ſhall be thought reaſonable. *Eng. Stat.* 23 *Hen.* 8. *cap.* 15. *ſect.* 1. 2.

No coſts.

VII. *ſect.* 3. Provided, that if the plaintiffs ſhall be non-ſuited, or that any ſuch verdict paſs againſt ſuch plaintiffs in any action to be ſued to the King's uſe, the defendants ſhall not recover any coſts againſt any ſuch plaintiffs. *Eng. Stat.* 24 *Hen.* 8. *cap.* 8.

Coſts to defendants.

VIII. *Stat.* 10 & 11 *Car.* 1. *cap.* 8. If any perſons ſhall ſue in any court of record, or other court, any action of treſpaſs, *ejectione firmæ*, or any other action wherein the plaintiff or demandant might have coſts, if judgment ſhould be given for him, and the plaintiffs or demandants after appearance of the defendants be non-ſuited, or any verdict paſs by any lawful trial againſt the plaintiffs or demandants, the defendants ſhall have judgment to recover coſts againſt ſuch plaintiffs and demandants, to be taxed and levied as coſts in other actions are to be taxed and levied by another law made in this preſent parliament. *Eng. Stat.* 4 *Jac.* 1. *cap.* 3. *See Tit.* **Suits.**

Days in Bank.

I. *Eng. Stat.* de anno biſſext. 21 *Hen.* 3. *ſtat.* 1. The day increaſing in the leap year ſhall be accounted in the ſame year, ſo that becauſe of that day none ſhall be prejudiced that is impleaded, but it ſhall be reckoned of the ſame month wherein it groweth, and that day and the day next going before ſhall be accounted for one. — Leap year.

II. *Eng. Stat.* 51 *Hen.* 3. *ſtat.* 2. If a writ ſhall come in — Day ſhall be given to

Octab. S. Mich.	Octab. S. Hillar.
Quinden. S. Mich.	Quinden. S. Hillar.
III. ſept. S. Mich.	Craſtin purif.
Menſ. Mich.	Octab. purif.
Craſtin. animar.	Quinden. Paſch.
Craſt. S. Martin.	Tres. ſept. Paſch.
Octab. S. Martin.	Menſ. Paſch.
Quinden. S. Martin.	V. ſept. Paſch. or Craſtin. aſcenſion.
Octab. St. Hillar.	Octab. S. Trin.
Quind. St. Hillar.	Quind. S. Trin. or Craſt. S. Joannis baptiſt.
Craſtin. purif.	Craſt. S. Joannis bapt. or Octab. S Joannis bapt.
Octab. purif.	Quinden S. Joannis bapt.
Quinden. Paſch.	Octab. S. Mich.

Returns at Michaelmas term.

Returns in Hillary term.

If in — Day ſhall be given to

Tres ſept. Paſch.	Quinden S. Mich.
Menſ. Paſch.	III. ſept. S. Mich.
Quinq. ſept. Paſch. or Craſtin. aſcenſion.	Men. S. Mich.
Octab. S. Trin.	Craſt. animar.
Quinden. S. Trin. or Craſt. S. Joannis bapt.	Craſt. Martin.
Octab. S. Joannis bapt.	Octab. S. Martin.
Quinden. S. Joannis bapt.	Quinden. S. Martin.

Returns in Eaſter term.

Returns in Trinity term.

III. *Stat.* 51 *Hen.* 3. *ſtat.* 3. If the writ of dower come in — Day ſhall be given to

Octab. S. Mich.	Craſtin. animar.
Quind. S. Mich.	Craſtin. S. Martin.
III. ſept. S. Mich.	Octab. S. Martin.
Menſem. S. Mich.	Quinden. S. Martin.
Craſtin. animar.	Octab. S. Hillar.
Craſtin. S. Martin.	Quinden. S. Hillar.
Octab. S. Martin.	Craſtin. purif.
Quinden. S. Martin.	Octab. purif.
Octab. S. Hillar.	Quinden. Paſch.
Quinden. S. Hillar.	III. ſept. Paſch.
Craſtin. purif.	Menſ. Paſch.

Returns in writs of dower.

Octab. purif.	Day ſhall be given to	Craſtin. aſcenſ.
Quinden. Paſch.		Octab. S. Trin.
III. ſept. Paſch.		Quinden. S. Trin.
Menſ. Paſch.		Craſtin. S. Joan. bapt.
V. ſept. Paſch.		Octab. S. Joan. bapt.
Craſtin. aſcenſion.		Quinden. S. Joan. bapt.
Octab. S. Trin.		Octab. S. Mich.
Quinden S, Trin. or Craſtin. S. Johannis bapt.		Quinden. S. Mich.
Octab. S. Johannis bapt.		III. ſept. S. Mich.
Quinden S. Johannis bapt.		Menſ. S. Mich.

Returns of writs.

IV. *Eng. Stat.* Marlebr. 52 *Hen.* 3 *ſtat.* 12. In dower *unde nihil habet*, four days ſhall be given in the year at leaſt, and more if it can conveniently be, ſo that they ſhall have five or ſix days in the year. In *darrein preſentment*, and *quare impedit*, days ſhall be given from fifteen to fifteen, or from three weeks to three weeks, as the place ſhall be near or far. And in *quare impedit*, if the diſturber come not at the firſt day, nor caſt eſſoign, he ſhall be attached to another day, at which day if he come not, nor caſt eſſoign, he ſhall be diſtrained by the great diſtreſs, and if he come not then, by his default a writ ſhall go to the biſhop, ſaving to the diſturber his right at another time when he will ſue for it. The ſame law ſhall be obſerved of making attachments in all writs where attachments lie as in diſtreſſes; ſo that the ſecond attachment ſhall be made by better pledges, and afterwards the laſt diſtreſs.

Trinity term.

V. *Stat.* 11 *Eliz. ſeſſ.* 3. *cap.* 2. *ſect.* 1. In Trinity term ſhall be four common days of return only, that is to ſay, in *craſtino ſanctæ Trinitatis*, in *octabis ſanctæ Trinitatis*, in *quindena ſanctæ Trinitatis*, and *a die ſanctæ Trinitatis* in *tres ſeptimanas*; and the ſame days of return ſhall be obſerved in high courts of record holden within this realm, at the aſſignment of the lord lieutenant or other governors of the ſaid realm; and there ſhall not be any days of return in *craſtino ſancti Johannis Baptiſtæ*, *octabis ſancti Johannis Baptiſtæ*, nor *quindena ſancti Johannis Baptiſtæ*.

Days of returns.

VI. *ſect.* 2. The term of Holy Trinity ſhall yearly begin the Monday next after Trinity Sunday, for the keeping of the eſſoigns, profers, returns, and other ceremonies as in times paſt hath been uſed to be done in the day of return, commonly called in *octabis ſanctæ Trinitatis*, and the full term of the ſaid Trinity term ſhall yearly begin the Friday next after Trinity Sunday, in ſuch manner as heretofore hath been uſed the Wedneſday next after Trinity Sunday, in ſuch manner as heretofore hath been uſed the Wedneſday next after the ſaid Friday, and the ſaid ſecond and third days of return, called *octabis ſanctæ Trinitatis*, and *quindena ſanctæ Trinitatis*, ſhall begin as in times paſt hath been uſed, and the fourth day called *a die ſanctæ Trinitatis in tres ſeptimanas*, ſhall begin from the ſaid Trinity Sunday into three weeks then next following, and ſhall have his return the fourth day, as is accuſtomed in other like days of return.

Days to be given.

VII. *ſect.* 3. If any writ in any real action be returnable in *octab. ſancti Hillarii*, then day ſhall be given in *craſtino ſanctæ Trinitatis*, in *decimo quinto ſancti Hilarii*, in *octabis ſanctæ Trinitatis*, if in *craſtino purificat' beatæ Mariæ*, in *quind' ſanctæ Trinitatis*, if in *purificat. beatæ Mariæ*, then *a die ſanctæ Trinitatis*

tatis in tres ſeptimanas; and if any writ in any real action come in returnable in *craſtino ſanctæ Trinitatis* then day ſhall be given in *craſtino animar'*, if in *octabis ſanctæ Trinitatis*, in *craſtino ſancti Martini*, if in *quinden' ſanctæ Trinitatis*, in *octabis ſancti Martini*, if *a die ſanctæ Trinitatis in tres ſeptimanas*, in *quindena ſancti Martini*.

VIII. *ſect.* 4. If any writ of dower come in returnable in *quindena Paſchæ*, then day ſhall be given in *craſtino ſanctæ Trinit'* if a *die Paſchæ in tres ſeptimanas*, in *octabis ſanctæ Trinitatis*, if *a die paſchæ in unum menſem*, *in quindena ſanctæ Trinitatis*, if *a die Paſchæ in quinque ſeptimanas*, or in *craſtino aſſenſionis Domini*, then a day ſhall be given into the day of *a die ſanctæ Trinitatis in tres ſeptimanas*; and if any writ of dower come in *craſtino ſanctæ Trinitatis*, then day ſhall be given in *quindena ſancti Michaelis*, and all other writs in any real action which ought to have a day in *octabis ſancti Michaelis*, ſhall have a day in *quindena ſancti Michaelis*, foraſmuch as the ſaid in *octabis ſancti Michaelis* hath never been uſed within this realm, to be any day of return, nor the ſaid Michaelmas term kept or holden till the ſaid *quindena ſancti Michaelis*, and if the ſaid writ of dower come in xv. *ſanctæ Trinitatis*, then to have day *a die ſancti Michaelis in tres ſeptimanas*, if *a die ſanctæ Trinitatis in tres ſeptimanas*, then *a die ſancti Michaelis in unum menſem*, or otherwiſe as is appointed by the ſtatute of Marlebridge the xii chapter. Writs of dower.

IX. *ſect.* 5. All common writs and proceſs as well perſonal as mixt, which ſhall be returnable in *Trinity* term, ſhall have the ſaid returns of *craſtino ſanctæ Trinitatis*, *octabis ſanctæ Trinitatis*, *quindena ſanctæ Trinitatis*, & *a die ſanctæ Trinitatis in tres ſeptimanas*, or any of them. Common writs and proceſs.

X. *ſect.* 6. In ſuch caſes and proceſs as ſpecial days have uſed to be given for returning of writs and proceſs, it ſhall be lawful for the juſtices of every of the courts of record, in all the proceſs by them to be awarded to aſſign ſpecial days of returns, as by their diſcretions ſhall be thought convenient. Special days aſſigned.

XI. *ſect.* 7. The days in aſſize of *darrein preſentment*, and in plea of *quare impedit*, appointed by the ſtatute of Marlebridge, alſo the days to be given in attaint, limited in the ſtatute made in the ſixth year of Edward the third, being not contrary to the tenor of this act, ſhall be holden and ſtand in force. (*Eng. Stat.* 32 *Hen.* 8. *cap.* 21. *per tot.*) Statute of 6 Edward 3.

XII. *Stat.* 6 *Geo.* 1. *cap.* 1. *ſect.* 2. In Michaelmas term there ſhall be four common days of return only, that is to ſay, the firſt return thereof ſhall be in *craſtino animarum*, the ſecond day of return ſhall be in *craſtino ſancti Martini*, the third day of return ſhall be in *octabis ſancti Martini*, and the fourth day of return ſhall be *a die ſancti Martini in quindecim dies*. Michaelmas term.

XIII. *ſect.* 3. The ſaid days of return ſhall be obſerved in all the courts of record, to be holden at the King's courts in Dublin, or at ſuch other places as ſhall be aſſigned or appointed by his Majeſty, or the chief governors of this kingdom, and there ſhall not be any days of return *a die ſancti Michaelis in quindecim dies*, nor in *tres ſeptimanas ſancti Michaelis*, nor *a die ſancti Michaelis in unum menſem*, but the term of Saint Michael yearly ſhall begin upon the ſaid *in craſtino animarum*, except it be on Sunday, and then on the day after, for the keeping of the eſſoigns, profers, returns, and other ceremonies, as hath been uſed to be done in the day of return, commonly called *in quindena Michaelis*, and the full term of Saint Michael ſhall yearly begin upon the ſixth day of November, as formerly it hath been uſed, except it be on Sunday, and then the day after. Returns to be obſerved.

Writs in real actions.

XIV. *ſect.* 4. If any writ in any real action, other than writs of entry for common recoveries, and writs of right of advowſon, and writs of dower *unde nihil habet*, be returnable in his Majeſty's court of common pleas in

Days to be given.

Craſtin. Anim.	Days ſhall be given in	Quinden. Paſch.
Craſtin. Martin.		Tres Paſch.
Octabis Martin.		Menſe Paſch.
Quinden Mart.		Quinque Paſch.
Octabis Hilar.		Craſt. Aſcenſion.
Quinden. Hilar.		Craſt. Trin.
Craſt. Purific.		Octabis Trin.
Octabis Purific.		Quinden. Trin.
Quinden. Paſch.		Tres Trin.
Tres Paſch.		Craſt. Anim.
Menſe Paſch,		Craſt. Martin.
Quinque Paſch.		Octabis Martin.
Craſt. Aſcenſion.		Quinden Mart.
Craſt. Trin.		Octabis Hilar.
Octabis Trin.		Quinden Hilar.
Quinden. Trin.		Craſt. Purific.
Tres Trin.		Octabis Purific.

Dower, *unde nihil habet.*

XV. *ſect.* 5. If any writ of dower, *unde nihil habet*, or any writ of entry whereupon a common recovery is to be ſued, or writs of right of advowſon be returnable in

Days to be given,

Craſt. Anim.	Days ſhall be given in	Octabis Hilar.
Craſt. Martin.		Quinden. Hilar.
Octabis Martin.		Craſt. Purific.
Quinden. Mart.		Octabis Purific.
Octabis Hilar.		Quinden. Paſch.
Quinden. Hilar.		Tres Paſch.
Craſt. Purific.		Menſe Paſch.
Octabis Purific.		Quinque Paſch.
Quinden Paſch.		Craſt. Aſcenſion.
Tres Paſch.		Craſt. Trin.
Menſe Paſch.		Octabis Trin.
Quinque Paſch.		Quinden. Trin.
Craſt. Aſcenſion.		Tres Trin.
Craſt. Trin.		Craſt Anim.
Octabis Trin.		Craſt. Martin.
Quinden Trin.		Octabis Martin.
Tres Trin.		Quinden. Mart.

Days between the teſte and return.

XVI. *ſect.* 6. In all writs of dower, *unde nihil habet*, after iſſue joined, it ſhall not be requiſite to have above fifteen days betwixt the teſte and return of the *venire facias*, or any other proceſs to be ſued out for the trial of the iſſue; but the writ of *venire facias*, and other proceſs after iſſue joined, until judgment be given, having only fifteen days between the teſte and return thereof, ſhall be good as is uſed in perſonal actions.

XVII. *ſect.*

Days in Bank.

XVII. *ſect.* 7. The ſaid day of return called *craſtino aſcenſionis Domini*, ſhall be a good return, notwithſtanding there be not fifteen days between the *quarto die* of the ſaid return of *craſtino aſcenſionis Domini*, and the eſſoign days of the return of *craſtino ſanctæ Trinitatis*. Good returns.

XVIII. *ſect.* 10. Upon common recoveries had in writs of right of entry, and in writs of advowſon, all writs of ſummons *ad warrantizandum*, upon the appearance of the tenant to ſuch writ of entry, and writ of right of advowſon, ſhall be abridged to five returns as writs of ſummons *ad warrantizandum*, in writs of dower *unde nihil habet*, have been uſed. Common recoveries.

XIX. *ſect.* 11. All common writs as well perſonal as mixt, which ſhall be returnable in the *Michaelmas* term, ſhall have the ſaid returns of *in craſtino animarum*, *in craſtino ſancti Martini*, *in octabis ſancti Martini*, and *a die ſancti Martini in quindecim dies*. Common writs.

XX. *ſect.* 12. In ſuch caſes and proceſs as ſpecial days have been uſed to be given for the returning of writs and proceſs, it ſhall be lawful for the juſtices of the King's courts of records, and barons of the exchequer, to aſſign ſpecial days of return as by them ſhall be thought convenient. Special days aſſigned.

XXI. *ſect.* 13. The days in aſſize of *darrein preſentment*, and in plea of *quare impedit*, appointed by the ſtatute of *Marlebridge*; and alſo the days to be given in attaint limited in the ſtatute made in the fifth year of Edward the third, being not contrary to this act, ſhall be holden and ſtand in force. (*Eng. Stat.* 16 *Car.* 1. *cap.* 6.

Debts.

I. *Stat.* 25 *Geo.* 2. *cap.* 8. *ſect.* 9. In all ſuits of law where there are mutual debts between a plaintiff and defendant, or if either party ſue or be ſued as executor or adminiſtrator where there are mutual debts between the teſtator or inteſtate and either party, one debt may be ſet againſt the other, and ſuch matter may be given in evidence upon the general iſſue, or pleaded in bar, as the nature of the caſe ſhall require, ſo as at the time of his pleading the general iſſue where any ſuch debt of the plaintiff, his teſtator or inteſtate is intended to be inſiſted on in evidence, notice ſhall be given of the particular ſum or debt ſo intended to be inſiſted on, and upon what account it became due, or otherwiſe ſuch matter ſhall not be allowed in evidence upon ſuch general iſſue. Setting off mutual debts.

II. *Stat.* 5 *Geo.* 3. *cap.* 15. *ſect.* 39. An act paſſed in the twenty fifth year of the reign of his late Majeſty King George the ſecond *that mutual debts, between party and party, be ſet one againſt the other*, is made perpetual. The act, 25 G. 2. c. 8. made perpetual.

Debtors.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 59. *ſect.* 1. After firſt of May one thouſand ſeven hundred and eighty two, it ſhall be lawful for all who were on fifth of March one thouſand ſeven hundred and eighty two, actual priſoners in cuſtody of any gaoler or keeper of priſon, upon execution, writ, action, attachment, coſts, contempt, or any proceſs for or by reaſon of any debt or demand, without fraud or colluſion with creditors or others, and have ever ſince Priſoners in cuſtody may petition.

ſince contiaued in priſon, to exhibit a petition before end of Trinity term one thouſand ſeven hundred and eighty ſix, to any court of law from whence the proceſs iſſued, upon which ſuch priſoners confined, or to the court into which removed by *habeas corpus*, ſetting forth a juſt and true account of all real and perſonal eſtate of which they, or any in truſt for them, intitled to at time of ſo petitioning, and of all incumbrances and charges, if any, affecting the ſame; and which they or any in truſt, or their uſe, intereſted in, or intitled unto, in poſſeſſion, reverſion, remainder, or expectancy, to beſt of belief of ſuch priſoners, and ſo far as their knowledge extends; and of all ſecurities wherein any part of eſtates of ſuch priſoners conſiſts, of all the deeds, evidences, writings, books, bonds, notes, and papers concerning the ſame, or relating thereto, and in whoſe hands the ſame are, and names and abode of witneſſes to ſuch ſecurities, bonds, and notes, and where to be met with, ſo far as their knowledge extend; and before any ſuch petition ſhall be received, ſuch priſoners ſhall cauſe to be given or left unto or for all and every creditors, at whoſe ſuit charged, or executors or adminiſtrators, or uſual abode, or to or for their attorney or agent laſt employed in ſuch action, in caſe any ſuch creditors, or executors or adminiſtrators reſide upwards of ten miles from the gaol where confined, or cannot be then met with, fourteen days at leaſt before ſuch petition preſented and received, a notice in writing, ſigned with proper name or mark of every ſuch priſoner, importing that ſuch priſoner doth intend to petition the court from whence the proceſs or *habeas corpus* iſſued; and ſhall alſo cauſe ſame to be inſerted in three ſeveral Dublin Gazettes, containing the name, trade, or occupation, and laſt abode of ſuch priſoner, and the priſon wherein confined, and of intention to take benefit of this act, (for which there ſhall be paid ſix pence for each perſon above the duty, and no more,) the laſt of which ſhall be twenty days before preferring petitions, and an affidavit of due ſervice of every ſuch notice at time of preſenting, and the Gazettes in which inſerted ſhall be openly read in the court to which preferred; and if ſuch court ſhall be ſatisfied of the regularity of ſuch notices, ſuch petition ſhall be received, and ſuch court ſhall, by order or rule, cauſe the priſoners ſo petitioning, to be brought up on ſome certain day; and if any creditor of ſuch priſoner, at whoſe ſuit charged, or executors or adminiſtrators, ſhall appear in perſon, or by attorney, or if any ſuch neglect to appear, ſuch court ſhall, in a ſummary way examine upon oath, if ſaid court think proper, into the matter of ſuch petition, and hear what can or ſhall be alledged on either ſide, for or againſt diſcharge of priſoners who ſo petition; and upon ſuch examination every ſuch court is required to adminiſter to priſoners who ſo petition, an oath, or if quakers, an affirmation to effect following:

account of eſtates, &c.

and of ſecurities, deeds, &c.

and witneſſes names and abode,

14 days notice in writing, if creditors reſide above 10 miles from the gaol,

thrice in Gazette,

affidavit of ſervice, and the Gazette read,

order of court,

creditors, &c. may appear,

court ſhall examine ſummarily on oath,

oath or affirmation to priſoners.

I A. B. *do ſwear, in the preſence of almighty God* (if a quaker, *I do affirm*) *that the account by me ſet forth in my petition, preſented to this honourable court, doth contain a full and true account of all the real and perſonal eſtate, debts, credits and effects whatſoever, which I, or any in truſt for me, am in any reſpect intitled unto, in poſſeſſion, reverſion, or remainder, except the wearing apparel and bedding of, or for me, and my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in value in the whole; and alſo a true account of all deeds, writings, books, papers, ſecurities, bonds and notes relating thereto, and where the ſame reſpectively now are, and in whoſe hands, to the beſt of my knowledge, remembrance, and belief, and what charges are now affecting the real eſtate I am now ſeized of, or intitled to,* (if any priſoner ſhall be then ſeized

of

of any real eſtate) *and that I have not at any time before or ſince my impriſonment, directly or indirectly ſold, leſſened, aſſigned, mortgaged, pawned, or otherwiſe diſpoſed of or made over in truſt for myſelf or otherwiſe, any part of my real and perſonal eſtate, whereby to have or accept any benefit, advantage, or profit to myſelf or my family, or with any view, deſign, or intent to deceive, injure, or defraud any of my creditors. So help me God.*

Aſſignment of effects,

And in caſe ſuch priſoners in open court take ſaid oath, ſuch court may immediately order the real and perſonal eſtate in ſuch account, to be by a ſhort indorſement on ſuch petition, and ſigned by the priſoner, aſſigned and conveyed to ſuch creditor or creditors as ſuch court ſhall think proper, ſubject to all prior incumbrances affecting the ſame; and the eſtate, intereſt, and property of ſuch real and perſonal eſtate which ſhall belong to ſuch priſoner, ſhall, by ſuch aſſignment, be veſted in the perſon or perſons to whom made, according to the eſtate and intereſt ſuch priſoners had reſpectively; and the creditors to whom aſſignment made ſhall and may take poſſeſſion of, and ſue in their names for the recovery, as ſuch priſoners might; and no releaſe of ſuch priſoners, or any truſtee for them, ſubject to ſuch aſſignment or conveyance, ſhall be pleadable or allowed in bar of any action or ſuit by ſuch aſſignees, for any part of real or perſonal eſtate of ſuch priſoners; and upon every ſuch aſſignment executed by ſuch priſoners, they ſhall be diſcharged out of cuſtody by rule or order of ſuch court; and ſuch rule or order being produced to, and a copy thereof left with any ſuch ſheriff, gaoler, or keeper, ſhall be a ſufficient warrant to diſcharge; and every ſuch ſheriff, gaoler, or keeper, is required, on having ſuch order produced, and a copy left, to ſet at liberty forthwith every ſuch priſoner, without taking any fee, or detaining him or them in reſpect of any demand for or in reſpect of chamber rent, or lodgings, or otherwiſe, or for any fees; and no magiſtrate, ſheriff, gaoler, or keeper, ſhall afterwards be liable to any action of eſcape, or other ſuit or information on that account, or for what he ſhall do in purſuance, and may plead general iſſue, and give ſpecial matter in evidence; and the perſons to whom the eſtate and effects of aſſigned, ſhall, with all convenient ſpeed, ſell and diſpoſe of the ſame, and divide the neat produce amongſt all creditors, (if more than one) to whom the priſoner fairly and juſtly indebted, in proportion to reſpective debts, (the marſhal, gaoler, or keeper, to be conſidered as a creditor for his fees) rateably, and in proportion, and render the overplus (if any) to ſuch priſoner, his heirs and aſſigns; but in caſe perſons at whoſe ſuit priſoners charged, not ſatisfied with the truth of ſuch priſoner's oath, and either perſonally, or by attorney, deſire time to inform themſelves of the matters therein, ſuch court may, upon proper cauſe by affidavit, remand ſuch priſoners, and direct them, and ſuch creditors to appear in perſon or by attorney, on ſome other day at fartheſt within the term next following ſuch examination, but ſooner if ſuch court think fit; and all objections as to inſufficiency in point of form againſt any priſoner's ſchedule, ſhall be only made the firſt time ſuch priſoner brought up; and if at ſuch ſecond day the creditors make default in appearing, or be unable to diſcover any eſtate or effects of the priſoner's omitted in the account ſet forth in petition, ſuch court ſhall immediately cauſe ſaid priſoners to be diſcharged upon executing ſuch aſſignment and conveyance; and if any who petition to be diſcharged, refuſe to take the oath or affirmation, or be detected before ſuch court of falſity,

priſoners thereupon diſcharged,

gaoler, &c. not liable to ſuit,

may plead general iſſue, &c.

eſtates ſold with ſpeed,

gaoler, &c. creditor for fees,

overplus to priſoner,

on affidavit, priſoner remanded,

creditors objecting,

refuſing oath.

falſity, or refuſe to execute ſuch aſſignment and conveyance, they ſhall preſently be remanded and continue in gaol.

Priſoners above 20 miles from Dublin,

II. *ſect.* 2. Any priſoner confined in any county or other gaol above twenty miles from Dublin, may before firſt of May one thouſand ſeven hundred and eighty four, prefer a petition to the court from whence ſuch proceſs iſſued, in like manner as petitions before mentioned; and an affidavit as before directed being made, or ſuch Gazette produced and delivered with ſuch petition, ſuch court ſatisfied of the truth, or on producing ſuch Gazettes may and is required to make a rule or order to cauſe the priſoners ſo petitioning to be brought to next aſſizes for the county or place where impriſoned; and creditors, or executors, or adminiſtrators at whoſe ſuit charged, ſhall, by ſuch court, be ordered to appear at ſaid aſſizes; and ſuch judge or judges of aſſizes reſpectively, ſhall appoint a time for hearing at ſuch aſſizes, upon every ſuch petition; and upon appearance of ſuch creditor or creditors, or in default in perſon, or by attorney, on producing copies of orders of ſaid courts, ſuch judges ſhall in a ſummary way examine ſuch petition, and hear what can or ſhall be alledged for or againſt the diſcharge; and upon every ſuch examination, ſuch judges are impowered and required to adminiſter or tender to every ſuch priſoner, the ſame oath as before directed, and to make ſuch order as to them ſeem meet, and to proceed in ſame manner concerning the diſcharge, and give ſame judgment, relief, and directions, as any court out of which proceſs iſſued is before directed to do; and every ſuch order ſhall be as effectual as if made in the court out of which proceſs iſſued, upon which ſuch priſoner charged, and ſhall be made a record of proceedings at ſuch aſſizes, and a copy tranſmitted to the court from whence proceſs againſt priſoners diſcharged iſſued, ſigned by the judge or judges of aſſize, to be a record of ſaid court, and kept amongſt other records.

on like affidavit, or Gazette produced, ordered to be brought to next aſſizes,

creditors ordered to appear,

examined ſummarily,

the ſame oath, order, and judgment,

as valid as if in the court whence proceſs,

made a record,

copy tranſmitted,

kept among the records.

Priſoners on civil bills,

III. *ſect.* 3. Such of ſaid priſoners as are charged in execution upon decrees before judges of aſſize upon civil bills, may before firſt of November one thouſand ſeven hundred and eighty two, prefer a petition to the judge or judges of aſſize for the county or place where impriſoned, in like form and manner as before mentioned; provided ſuch priſoners cauſe to be given, or left to or for all and every creditors at whoſe ſuit charged in execution, or their executors or adminiſtrators, or in caſe any ſuch cannot be met with, or his or their attorney or law agent laſt employed, or at uſual place of abode, twenty days at leaſt before the aſſizes, a notice in writing, ſigned with the proper name or mark of every ſuch priſoner, importing that ſuch priſoners intend to petition the court next aſſizes to be diſcharged, and requiring them to appear next aſſizes, and alſo a true copy of the ſaid petition and account; and ſuch judges, upon appearance of ſuch creditors, in perſon or by attorney, or in default on proof of being duly ſerved with ſuch notice and copy ſhall, in a ſummary way examine upon oath, if ſuch judges think neceſſary, into ſuch petition, and hear what alledged for or againſt the diſcharge; and are impowered and required to adminiſter to every ſuch priſoner the ſame oath, and to make order as to them ſhall ſeem meet, and proceed in the ſame manner concerning the diſcharge, and give ſame judgment, relief, and directions as any court out of which proceſs iſſued, is before impowered and directed.

notice to creditors,

judges of aſſize to examine on oath, and proceed in like manner.

Like proceedings by recorder of Dublin on petition of priſoners in marſhalſeas.

IV. *ſect.* 4. It ſhall be lawful for the recorder of Dublin before firſt of November one thouſand ſeven hundred and eighty two, to receive petitions of ſaid priſoners confined in the marſhalſea, or four court marſhalſea, upon decrees or otherwiſe, and to examine and adminiſter ſame oaths, and proceed in

ſame

ſame manner concerning diſcharge of ſuch priſoners, and give ſame judgment, relief, and directions, as any court out of which any proceſs iſſued againſt any priſoner or priſoners is herein before impowered and directed to do.

V. *ſect.* 5. Nothing herein ſhall [illegible] any mortgages upon the eſtate of ſuch priſoners to take place upon [illegible] tenements, or hereditaments, in ſuch mortgages, nor any ſtatutes ſ[illegible]ute merchant, recognizance on judgment, *cuſtodiam* or *elegit*, ackno[illegible]by, or obtained againſt ſuch priſoners, to take place upon the lan[illegible]ments, or real effects of ſuch priſoners, in like manner as ſuch mor[illegible]es [illegible]d creditors would have been preferred to other creditors, of the real and perſonal eſtate of ſuch priſoners reſpectively, if this act not made; any thing herein before to contrary notwithſtanding. Not to prevent mortgages, ſtatute, recognizance, &c. taking place.

VI. *ſect.* 6. The diſcharge of any perſon by virtue hereof ſhall not acquit any other from ſuch debt or ſums, or any part, but all others ſhall be anſwerable as before the paſſing hereof. Others anſwerable as before.

VII. *ſect.* 7. If any ſuch priſoner deliver in a falſe or untrue account of eſtate or effects, or deſignedly conceal, and not inſert in the account he ſhall deliver in and ſubſcribe, any books, papers, ſecurities, or writings relating to his eſtate and effects, to defraud creditor or creditors, and be convicted on indictment, he ſhall be adjudged a felon, and ſuffer as ſuch without benefit of clergy. Falſe account or concealing, felony, death.

VIII. *ſect.* 8. If the eſtate and effects of priſoners ſo aſſigned and conveyed, ſhall not extend to ſatisfy the whole debt due to creditors as aforeſaid, if the priſoner who ſhall be ſo diſcharged, and the fees and chamber rent due, ſuch warden, marſhal, or gaoler ſhall only receive a proportionable dividend from ſuch priſoner's eſtates, in reſpect of ſuch fees and chamber rents, *pro rata*, with other creditors. If not ſufficient, gaoler, &c to receive for fees and rent only, a proportion.

IX. *ſect.* 9. No perſon diſcharged hereby ſhall hereafter be impriſoned by reaſon of any judgment or decree, or for any debt, damages, attachments, contempts, coſts, or ſums contracted, incurred, occaſioned, owing or growing due before the time of diſcharge; but upon every arreſt, ſuit, judgment, or decree, or for ſuch debts, damages, attachments, contempts, coſts, and ſums, it ſhall be lawful for any judge of the court where proceſs iſſued, upon ſhewing copy of the order of ſuch diſcharge, to releaſe out of cuſtody ſuch priſoner, and every ſuch judge is impowered and directed ſo to do. After diſcharge not impriſoned for debt, &c. before, releaſed on ſhewing the copy.

X. *ſect.* 10. Where mutual credit given between ſuch priſoners and other perſons, bodies politick or corporate, before delivery of any ſchedule or inventory of the eſtate and effects of ſuch priſoners, nothing more ſhall be deemed veſted by any aſſignment in purſuance hereof in the eſtate or effects of ſuch priſoners, than what ſhall appear to be due to them reſpectively upon balance of accounts truly ſtated. Where mutual credit, the balance only veſted by aſſignment.

XI. *ſect.* 11. It ſhall be lawful for the courts who diſcharge ſuch priſoners, on petition of any creditor of ſuch priſoners, complaining of any inſufficiency, fraud, miſmanagement, or other miſbehaviour of any creditors of ſuch priſoners to whom the eſtate and effects aſſigned, to order the parties concerned to attend on the matter of every ſuch petition at ſome certain time; and every ſuch court on hearing the parties, is authorized to make, order, and give ſuch directions for the prudent, juſt, and equitable management or diſtribution of ſaid eſtate and effects, for the benefit of the reſpective creditors as aforeſaid, of ſuch priſoners, as ſuch court think fit. On petition of creditor for miſbehaviour, &c. and on hearing equitable order made.

On *excom. cap.* petition and affidavit, L. chancellor may diſcharge on terms.

XII. *ſect* 12. Perſons confined upon writs of *excommunicato capiendo*, may, after firſt of May one thouſand ſeven hundred and eighty two, prefer a petition to lord chancellor, ſetting forth the circumſtances, with an affidavit, verifying the material facts; and it ſhall be lawful for the lord chancellor to diſcharge, if he judges it proper, upon ſuch terms as he ſhall think reaſonable.

Not extended to crown debt.

XIII. *ſect.* 13. Nothing herein ſhall extend to relief of any priſoner with reſpect to any debt at ſuit of the crown.

Tenants in tail.

XIV. *ſect.* 14. Whereas ſeveral may claim or be intitled to benefit of this act, ſeized of an eſtate tail, which with the remainders expectant they have by law power to defeat and bar, by fines or recoveries, and thereby ſaid lands and hereditaments, ſhould be liable to their debts, and be delivered up according to terms of this act for the benefit of their creditors: in every ſuch caſe ſuch perſons ſo ſeized and who claim benefit of this act, ſhall to all intents be deemed ſeized in fee ſimple, and the ſame ſhall be delivered up to the creditors as if ſuch perſons had actually levied fines, or ſuffered recoveries, and thereby had become ſeized in fee ſimple; any law or conſtruction of law to contrary notwithſtanding.

Debt for rent not diſcharged, where in poſſeſſion of the land.

XV. *ſect.* 15. Nothing herein ſhall give benefit, eaſe, diſcharge, or relief from any debt for rent or arrears out of lands, tenements, or hereditaments, where they owing ſuch rent or arrears, or other perſon deriving by, from, or under them, are in poſſeſſion of all or any of ſuch lands, tenements, or hereditaments, out of which ſuch rent payable.

If not above two years, goods liable to diſtreſs not aſſigned, but transferred to land ord, unleſs creditor agrees to pay.

XVI. *ſect.* 16. When rent, not exceeding two years, ſhall be due from ſuch priſoners at time of diſcharges in reſpect to any meſſuages, lands, or tenements, no goods or chattels then upon the premiſſes liable to be diſtrained, ſhall be aſſigned in manner aforeſaid, but be transferred to ſuch landlords, or in truſt for them, towards ſatisfaction of the rent then due, not exceeding two years, unleſs the creditor or creditors, to whom ſuch aſſignment made, ſhall by writing under their hands reſpectively, before ſuch aſſignment made, agree to pay or ſatisfy ſuch landlords the rent due, not exceeding two years.

Guardian, truſtee, &c. not intitled.

XVII. *ſect.* 17. No perſon as guardian or truſtee, executor or adminiſtrator, indebted, ſhall be intitled to any benefit or relief from this act.

Nor embezzling employers property.

XVIII. *ſect.* 18. All who have conveyed, embezzled, or converted to their own uſe any monies, goods, wares, or merchandizes of perſons who employed or intruſted them, ſhall be excluded from any benefit or advantage by this act.

Property of any obtaining the benefit not protected.

XIX. *ſect.* 19. Nothing herein ſhall protect the real and perſonal property of any obtaining benefit under this act; but the ſame are declared liable to all demands of every creditor of ſuch perſon; any thing herein contrary notwithſtanding.

No benefit, if a fraudulent conveyance.

XX. *ſect.* 20. No perſon ſhall take any benefit by this act who has made any fraudulent conveyance or aſſignment of his eſtate or goods, or any part, previous or ſubſequent to his impriſonment, to defraud his creditors, or any, or has done or ſuffered to be any fraudulent act for the purpoſe, and the ſame ſhall appear to the court, in which the petition of ſuch debtor depending, upon examination *viva voce* or by affidavit, as ſuch court direct.

Nor to bankrupts, except as herein,

actual priſoners on 1ſt March 1782,

XXI. *ſect.* 21. Nothing herein ſhall extend to benefit of any who is a bankrupt, or within deſcription or proviſions of bankruptcy laws, except as herein: provided, if any who are objects of the bankruptcy laws, were on the firſt of March one thouſand ſeven hundred and eighty two actual priſoners

ſoners in cuſtody of any gaoler or keeper of any priſon upon execution, writ, action, attachment, coſts, contempt, or any proceſs, for or by reaſon of any debt or demand, and have ever ſince continued in priſon without any commiſſion of bankruptcy ſued forth; ſuch perſons making the ſame appear to the court from whence the proceſs, under which confined, has iſſued, and performing the requiſites by this act, ſhall be diſcharged as other inſolvents not objects of the bankruptcy laws; any thing herein to contrary notwithſtanding.

and ever ſince, without commiſſion ſued, performing requiſites diſcharged as other inſolvents not objects of bankruptcy laws.

XXII. *ſect.* 22. No perſon who has received and not accounted for and paid money received under or by order of any court of juſtice, or in conſequence of any publick office, truſt, or employment, or is committed by attachment or ſerjeant at arms for a contempt of any court, in not accounting for or paying money received under or by order of ſuch court, ſhall be intitled to any benefit or relief from this act; any thing herein to contrary notwithſtanding.

No benefit on not accounting for or paying money received by order or in publick office or truſt, or committed for contempt.

XXIII. *ſect.* 23. All who made uſe of any fraud, falſe token or pretence for obtaining money ſhall be excluded from any benefit or advantage from this act.

Or on fraud, falſe token, or pretence.

XXIV. *ſect.* 24. This act ſhall not free real or perſonal eſtate of any obtaining benefit under this act, which ſuch perſons acquire or become intitled to after having taken the benefit; but the ſame ſhall be liable to the debts owing by them in as full and ample manner as if this act never made.

Eſtate after acquired, liable to debts.

XXV. *ſect.* 25. Nothing herein ſhall extend to benefit of any who has been relieved by and taken benefit of any former act of inſolvency.

Former inſolvents excluded.

XXVI. *ſect.* 28. All real and perſonal eſtate of John Darley, on firſt of April one thouſand ſeven hundred and ſeventy nine, (excepting ſums really and *bona fide* applied to his debts, or in ſuits or buſineſs relative to ſaid eſtate and effects, or in paſſing this clauſe, or neceſſary charges of cloathing and houſe keeping for himſelf and family, wearing apparel and bedding) veſted in Theophilus Thompſon, William Lyſter and George Lyndon, and ſurvivors, in truſt for creditors of John Darley as herein after.

John Darley's eſtate veſted in truſtees for creditors.

XXVII. *ſect.* 29. Said John Darley ſhall on or before firſt of Auguſt next deliver in to ſaid truſtees, or any two, or ſurvivor, a ſchedule containing a full, juſt, and true account of all the real eſtate in poſſeſſion, reverſion, or remainder; and of all perſonal whatſoever, (excepting as before) which he, or any in truſt for him, was on firſt of April one thouſand ſeven hundred and ſeventy nine, or now is ſeized or poſſeſſed of and intereſted in and intitled unto, to the beſt of belief, and knowledge, and of all deeds, bonds, notes, evidences, writings, and books of account concerning ſaid eſtates, and in whoſe hands and power now are and were on firſt of April one thouſand ſeven hundred and ſeventy nine; and of the debts and how ſecured and ſums juſtly due on ſaid debts on firſt of April one thouſand ſeven hundred and ſeventy nine; which ſchedule John Darley ſhall verify upon oath, adminiſtered by ſaid truſtees, or any two, and ſubſcribe at foot of the ſchedule; and ſaid truſtees, or any two, ſhall atteſt at foot of ſaid copy of ſaid oath, with their names ſubſcribed, that John Darley took ſaid oath, and the time and place; and ſaid ſchedule, with ſaid oath annexed, and ſaid writing atteſting the ſwearing, ſhall, by truſtees, be within ten days after receipt delivered to town clerk of Dublin, who ſhall keep the ſame amongſt the records for benefit of the creditors.

Schedule delivered to truſtees, verified on oath, atteſted by truſtees, delivered to town clerk.

XXVIII. *ſect.* 30. Said truſtees, or any two or ſurvivor, ſhall, by writing under hands and ſeals, certify, that John Darley hath performed all required by this act; and from obtaining ſuch certificate ſaid John Darley ſhall not

Certificate by truſtees.

not after impriſoned, or moleſted, nor after acquired eſtate affected for debt, &c. before,

be impriſoned or moleſted, nor any real or perſonal eſtate by him, after acquired, be charged or affected by any judgment or decree, for any debt, damages, contempts, coſts, or ſums contracted, incurred, occaſioned, or growing due before firſt of April one thouſand ſeven hundred and ſeventy nine; but on every ſuch arreſt, execution, or proceſs, the judge where iſſued, upon

diſcharged and proceedings ſtaid,

ſhewing ſaid certificate, ſhall diſcharge ſaid John Darley, and ſuperſede further proceedings; and ſaid truſtees ſhall with all convenient ſpeed ſue for,

truſtees to call in debts, ſell and convey, diſpoſe and compound as owners, firſt pay charges, reſidue to creditors in proportion.

call in, and receive all debts due to ſaid John Darley, and ſell and convey all eſtates, moveables, goods and chattels (except as before) and in all reſpects manage and diſpoſe and compound debts for benefit of creditors, as if owners of ſaid eſtates, on firſt of April one thouſand ſeven hundred and ſeventy nine; and out of produce firſt pay coſts and charges, and divide reſidue among all creditors to whom juſtly indebted on firſt of April one thouſand ſeven hundred and ſeventy nine, rateably.

Mortgagees, &c. may ſue and recover, as if this act not made.

XXIX. *ſect.* 31. Every perſon, who on firſt of April one thouſand ſeven hundred and ſeventy nine was intitled to any mortgage, *cuſtodium*, judgment, recognizance, ſtatute ſtaple, or merchant, *elegit*, or arrears of rent, affecting, or which might affect lands, goods or chattels of John Darley, may ſue for and recover their demands in like manner, and with like difference, out of the eſtates of John Darley, that they might if this act not made.

On death or refuſal creditors on ten days notice in Gazette to elect, with like powers, not anſwerable for each other or for loſs, falſe account or concealment, felony death.

XXX. *ſect.* 32. If truſtees, or any, die or refuſe to act, it ſhall be lawful for majority of creditors in value, upon notice in Gazette ten days, by the other truſtees, to elect any other, and ſo from time to time, and ſuch perſons ſhall have all powers veſted in truſtees before named; and truſtees not anſwerable for receipts of each other, or any loſs not by their wilful defaults; and if ſaid John Darley ſhall knowingly deliver any falſe or untrue accounts of effects or eſtates, or deſignedly conceal any books, papers, or ſecurities, to defraud creditors, and be convicted upon indictment, he ſhall be judged a felon, and ſuffer as ſuch without benefit of clergy.

Mark and George Tew freed from arreſt.

XXXI. *ſect.* 33. The perſons of Mark Tew and George Tew ſhall be diſcharged from all arreſts at ſuit of creditors for ſums now due by them or either; and if arreſted for ſuch, ſhall be forthwith releaſed and diſcharged.

Their property liable.

XXXII. *ſect.* 34. Nothing in this act ſhall preclude any creditor from recovering their debts from the property of ſaid Mark and George Tew.

Petitioners not objected to diſcharged as to perſon only, as if in cuſtody 5 March 1782.

XXXIII. *ſect.* 35. Jeremy Ryan, Francis Ruddle, Owen Mooney, Philip Pendleton, John Bailie, and Charles Reilly, may have full benefit of this act, and be diſcharged from debts, ſo far as relates to freedom of their perſons only, upon the ſame terms, and ſubject to ſame rules, as if in actual cuſtody on fifth of March one thouſand ſeven hundred and eighty two.

Not extended to W. Bayly.

XXXIV. *ſect.* 36. Nothing herein ſhall extend the benefit of this act to William Bayly, an uncertified bankrupt now in confinement; any thing in this act to contrary notwithſtanding.

Perſons excluded.

XXXV. *ſect.* 37. Nothing herein ſhall extend the benefit of this act to Thomas John Medlicot eſquire, a priſoner in the gaol of Kilmainham; Edward Cahill attorney, in four courts marſhalſea; to Nicholas Power, in the gaol of Waterford; Richard Mara, of the city of Cork, gardener, a priſoner; Francis Bradley Brodie eſquire, barriſter at law, in four courts marſhalſea; Thomas Mara of Limerick, bankrupt; Benjamin Whitley, in four courts marſhalſea; Gervas Hall, a bankrupt, in four courts marſhalſea; Robert Norman of Nottingham, in the county of Cork, hoſier; George Rallings of Cork; John Callaghan, farmer and dealer; Felix Pritchet; Patrick M'Dermott;

mott; or Michael Harris, late of Bandon, now in the county gaol of Cork; any thing herein to contrary notwithſtanding.

XXXVI. *ſect.* 38. Whenever any ſurety for debt of another ſhall be obliged to pay the ſaid debt, or any part, or anywiſe damnified by becoming ſurety, every real principal debtor ſhall be liable or anſwerable to ſuch ſurety at law and in equity, notwithſtanding ſuch principal ſhall be diſcharged under and obtain the benefit of this act; any thing herein to contrary notwithſtanding. Principal debtor notwithſtanding diſcharge anſwerable to ſurety damnified.

Debt to and from the King.

I. *Eng. Stat.* Mag. Chart. 9 *Hen.* 3. *cap.* 8. The king ſhall not ſeize land or rent for any debt, as long as the goods of the debtor ſuffice, and the debtor be ready to ſatisfy. Neither ſhall the pledges be diſtrained as long as the principal debtor is ſufficient. And if the principal fail, the pledges ſhall anſwer, and they ſhall have the lands and rents of the debtor until they be ſatisfied, except the principal debtor can ſhew himſelf acquitted againſt the ſurety. Seizing lands, &c.

II. *Eng. Stat.* Mag. Chart. 9 *Hen.* 3. *cap.* 18. If any man that holdeth of the king die, and the ſheriff ſhew letters patent of ſummons for the debt which the dead did owe the king, it ſhall be lawful for the ſheriff to attach and inrol all the goods of the dead being found in the fee to the value of the debt, by the ſight and teſtimony of lawful men, ſo that nothing be taken away until the king be payed the debt. And the reſidue ſhall remain to the executors to perform the will of the dead. And if it be found that he owe nothing to the king, all the goods ſhall go to the uſe of the dead, ſaving to his wife and children their reaſonable parts. Tenants of the King dying.

III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 19. Sheriffs ſhall lawfully acquit the debtors at the next account after they have received ſuch debts, and then the debt ſhall be allowed in the exchequer, ſo that it ſhall no more come in the ſummons; and if the ſheriff otherwiſe do and thereof be attainted, he ſhall pay to the plaintiff thrice as much as he hath received, and ſhall make fine at the king's pleaſure. And if any other that is anſwerable in the exchequer ſo do, he ſhall render thrice ſo much to the plaintiff, and make fine in like manner. Acquittance to debtors.

(2) And the ſheriff ſhall make tallies to ſuch as pay their debt to the king, and the ſummons of the exchequer ſhall be ſhewed to all debtors that demand a ſight thereof without reward, and he that doth the contrary, the king ſhall puniſh him grievouſly. Sheriff to make tallies.

IV. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 32. Of ſuch as take things for the king's uſe upon credit, and when they have received their payment withhold it from their creditors, it ſhall be levied of their lands or goods and paid to their creditors with the damages, and they ſhall make fine for the treſpaſs. And if they have no lands nor goods they ſhall be impriſoned at the king's will. And ſuch as take part of the king's debts of the creditors to make payment, ſhall pay double, and be grievouſly puniſhed at the king's pleaſure. Payment for goods taken.

V. *Eng. Stat.*

Debt to and from the King.

Diſtreſſes for the King's debt.

V. *Eng. Stat.* Artic. ſuper chart. 28 *Edw.* 1. *cap.* 12. Diſtreſſes which are to be taken for the king's debt, ſhall not be made by beaſts of the plough, ſo long as a man may find other, upon the pain ordained by ſtatute. *See Tit.* **Diſtreſs.** And too great diſtreſs ſhall not be taken for his debts nor driven too far. And if the debtor can find ſurety till a day before the day limited to the ſheriff, the diſtreſs ſhall be releaſed in the mean time, and he that doth otherwiſe ſhall be grievouſly puniſhed.

Deceit.

Writs of deceit.

I. *Eng. Stat.* 2 *Edw.* 3. *cap.* 17. A writ of deceit ſhall be maintainable, as well in caſe of garniſhment touching plea of land, as in caſe of ſummons.

Deer-ſtealers.

Treſpaſſers in parks.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 20. For treſpaſſers in parks and ponds, if any be thereof attainted at the ſuit of the party, large amends ſhall be awarded, and he ſhall have three years impriſonment, and ſhall make fine at the king's pleaſure if he have whereof, and ſhall find ſurety that he ſhall not commit the like treſpaſs, and if he cannot find ſurety he ſhall abjure the realm. And if any being guilty thereof be fugitive, and have no tenement ſufficient whereby he may be juſtified, ſo ſoon as the king ſhall find it by inqueſt, he ſhall be proclaimed from county to county, and outlawed. If none ſue within a year and a day after the treſpaſs, the king ſhall have the ſuit. And ſuch as be found guilty by inqueſt ſhall be puniſhed in like manner. And if ſuch treſpaſſer be attainted that he hath taken tame beaſts or other thing in the parks by robbery, let the common law be executed.

Shooting deer.

II. *Stat.* 10 *Will.* 3. *cap.* 8. *ſect.* 5. No perſon ſhall ſhoot any deer at any ſeaſon of the year, except on his own ground only, or on the ground of ſuch perſons to whom the perſon ſhooting ſuch deer being a proteſtant, ſhall be a menial family ſervant at the time of ſhooting the ſame, and that by warrant only under the hand of ſuch his maſter, and no otherwiſe, on pain that every perſon ſo offending being thereof convict before one juſtice of the peace of the county where ſuch offence ſhall be committed, on oath of one credible witneſs, ſhall for every ſuch offence forfeit five pounds, one moiety to be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other moiety to them who ſhall give information and make proof of ſuch offence, the ſame to be levied on the goods and chattels of the offender, by warrant under the hand and ſeal of ſuch juſtices, who are to grant ſuch warrant, and to order payment of the money levied thereby accordingly.

Hunting or killing deer out of ſeaſon.

III. *ſect.* 6. No perſon ſhall in any year hunt, courſe, or kill any male deer before the tenth day of June in ſuch year, nor any male fallow deer after Michaelmas in any year, unleſs in the proper ground of the perſon hunting, courſing, or killing the ſame, on pain that every perſon offending, ſhall for every ſuch offence forfeit five pounds; ſuch offence to be heard and determined by ſuch juſtices as aforeſaid, and the forfeiture for the ſame, levied, divided, and paid to ſuch perſons, and in ſuch manner as is before appointed for the offence of ſhooting deer contrary to this act.

IV. *Stat.*

IV. *Stat.* 11 *Ann. cap.* 7. *ſect.* 4. If any perſon ſhall, except ſuch as are qualified to kill the game, kill or any way deſtroy without the conſent of the owners, any red deer, or calf of a red deer, ſuch perſons ſhall for the firſt offence, being thereof convicted, pay forty ſhillings, and for every other offence five pounds, which offences ſhall be determined before two juſtices of the peace. Qualification to kill red-deer.

V. *ſect.* 5. It ſhall be lawful for any conſtable or other perſon, by warrant of any two juſtices of the peace within the limits of their juriſdictions, to make ſearch in all ſuſpected houſes and places other than of ſuch perſons who ſhall be qualified to kill the game; and if ſuch perſon ſhall find any red deer, calf, fleſh, or ſkin of ſuch red deer or calf, in the poſſeſſion of any perſon, he ſhall bring ſuch ſuſpected perſon before ſuch juſtices, where if ſuch perſon ſhall not make proof to the ſatisfaction of the ſaid juſtices, that the ſame was not taken, killed, or gotten contrary to this act, or elſe ſhall not in ſome convenient time to be ſet by the ſaid juſtices, not exceeding ſix days, produce the party of whom he bought the ſame, or ſome other credible perſon to depoſe upon oath ſuch ſale thereof, ſuch perſon ſhall be convicted by the ſaid juſtices of the ſaid offence. Warrant for ſearch.

(2) And upon ſuch conviction ſhall forfeit the ſums before mentioned, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hands and ſeals of ſuch juſtices, before whom ſuch offenders ſhall be convicted, rendering the overplus, if any be, and for want of diſtreſs the offenders ſhall be committed to the houſe of correction, for any time not exceeding one month, and not leſs than ten days, there to be whipped and kept to hard labour. Penalty on conviction.

VI. *ſect.* 6. If it ſhall appear upon oath before ſuch juſtices of the peace, that any perſons have bought from any perſon, except perſons qualified to kill the game, or the owners thereof, any red deer, calf or ſkin of red deer, it ſhall be in the power of ſuch juſtices to award the party who diſcovers the ſame, the ſum of twenty ſhillings, to be levied by diſtreſs and ſale as aforeſaid of the buyers goods. Buying deer or ſkins.

VII. *Stat.* 7 *Geo.* 2. *cap.* 8. *ſect.* 2. If any perſon ſhall unlawfully chaſe, kill, wound, maim, or take any red or fallow deer in any incloſed ground where deer are uſually kept, without the conſent of the owner or perſon chiefly intruſted with the cuſtody thereof, and ſhall be thereof convicted on an indictment for the ſame, at the aſſizes to be held for the county where ſuch offence ſhall be committed, or at the aſſizes to be held for ſuch county where ſuch offenders ſhall be taken and apprehended, or at the quarter-ſeſſions of the county of Dublin, or of the county of the city of Dublin, in caſe ſuch offence ſhall be committed, or the offender apprehended in the ſaid county, or county of the city of Dublin reſpectively, ſuch offenders ſhall for every ſuch offence forfeit a ſum not exceeding thirty pounds, nor under ten pounds for each deer ſo unlawfully chaſed, killed, wounded or taken, to be aſcertained and impoſed by ſuch court where ſuch offender ſhall be convicted, one moiety whereof to be for the uſe of them who ſhall give information, and proſecute ſuch offenders, and the other moiety for the owners of ſuch deer; the ſame to be levied on the goods of ſuch offenders, by order of the judges of aſſize, or ſuch juſtices before whom the ſame ſhall be tried, and ſuch offender ſhall be committed to the common gaol of ſuch county, there to be kept in cloſe cuſtody for the term of twelve months. Deer in incloſed grounds. Penalty.

VIII. *ſect.* 3. If

Tranſportation of offenders.

VIII. *ſect.* 3. If the perſons ſo convicted ſhall not pay the ſaid fine within three calendar months after ſuch conviction, and ſhall not have effects ſufficient on which the ſaid fine can be levied, the judges before whom they ſhall be convicted, ſhall tranſport ſuch offenders to ſome of his Majeſty's plantations in America, for any time not exceeding ſeven years; and if ſuch offenders ſo tranſported ſhall return into this kingdom before the expiration of the term for which the ſaid offender was tranſported, ſuch offenders ſo returning ſhall be guilty of felony without the benefit of clergy.

Aſſiſting or employing perſons.

IX. *ſect.* 4. All perſons who ſhall aid, aſſiſt, or employ any perſons unlawfully to chaſe, kill, wound, maim, or take any deer as aforeſaid, without the conſent of the owner of ſuch deer, being thereof convicted on an indictment in manner as aforeſaid, ſhall incur the like penalties and forfeitures as are herein before inflicted on the perſons who ſhall unlawfully chaſe, kill, wound, maim, or take any red or fallow deer as aforeſaid.

Finding veniſon or deer-ſkins.

(2) And in caſe any veniſon or deer-ſkin ſhall be found in the poſſeſſion of any perſon, and there is good ground to ſuſpect that the ſame has been ſtolen with the privity of the perſon in whoſe cuſtody ſuch veniſon or deer-ſkin is found, and if ſuch perſon do not give a ſatisfactory account how he came by ſuch veniſon or deer-ſkin, every ſuch perſon ſhall without further evidence be convicted of the offence of unlawfully killing and taking deer within the intent of this act.

Limitation of ſix months.

X. *ſect.* 5. Provided, that every proſecution on account of this act, be brought within ſix calendar months after any offence committed.

Diſcontinuance.

Demiſe of the king.

I. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 14. *ſect.* 2. By the death or demiſe of any king of this realm, any ſuit between party and party ſhall not be diſcontinued, but the proceſs in every action ſhall ſtand good as if the ſame king had lived; and all judicial proceſs ſhall be made in the name of the king, that for the time ſhall reign, and variance between the names of the kings ſhall not be material.

Death, &c. of commiſſioners.

II. *ſect.* 3. Every aſſize of *novel diſſeiſin*, *Mort dancestor*, *juris utrum*, and attaint, which at any time hereafter ſhall be arraigned or ſued before any juſtices of aſſize, ſhall not be diſcontinued by reaſon of death, new commiſſion, aſſociation, or not coming of the juſtices of aſſizes.

Promotion of plaintiffs.

III. *ſect.* 4. Albeit any demandant or plaintiff in any ſuit ſhall be made duke, archbiſhop, marquis, earl, viſcount, biſhop, baron, juſtice of the one bench or of the other, baron of the exchequer, ſerjeant at law, depending the ſuit, yet no writ or ſuit ſhall [illegible] abateable.

Promotion of commiſſioners,

IV. *ſect.* 5. Albeit any perſon being juſtice of aſſize, juſtice of gaol delivery, juſtice of peace, or being in any other of the king's commiſſions whatſoever, ſhall be made duke, archbiſhop, marquis, earl, viſcount, biſhop, baron, juſtice of the one bench or of the other, baron of the exchequer, knight, ſerjeant at law, or ſheriff, yet he ſhall remain juſtice and commiſſioner.

Convicts reprieved.

V. *ſect.* 6. Where any perſon ſhall be found guilty of treaſon, murder, manſlaughter, rape, or felony, for which the judgment of death ſhould enſue, and ſhall be reprieved to priſon without judgment given, all perſons that at any time after ſhall by the king's commiſſion be aſſigned juſtices to deliver the gaol where

where ſuch perſons found guilty ſhall remain, ſhall have power to give judgment of death againſt ſuch perſons.

VI. *ſect.* 7. Where any perſons ſhall be adjudged and condemned of treaſon or felony, and ſhall be reprieved, or the execution reſpited, every perſon which at any time after ſhall by the king's commiſſion be aſſigned juſtice to deliver the gaol where ſuch perſons ſhall remain not executed, ſhall have power to award execution upon every ſuch judgment. Execution may be awarded.

VII. *ſect.* 8. No proceſs or ſuit before any juſtice of aſſize, gaol delivery, oyer and terminer, juſtices of [redacted] or other of the king's commiſſioners, ſhall be diſcontinued by the making [redacted] commiſſion or aſſociation, or by altering of the names of the juſtices, or other the king's commiſſioners; but the new juſtices and commiſſioners may proceed, as if the old commiſſions and juſtices, and commiſſioners had remained. (*Eng. Stat.* 1 *Edw.* 6. *cap.* 7.) Commiſſioners of aſſociation.

Diſſeiſin.

Eng. Stat. Weſtm. 1. 3 *Edw.* 1. *cap.* 24. No eſcheator, ſheriff, or other bailiff of the king, by colour of his office, ſhall without ſpecial warrant or authority diſſeiſe any man of his freehold. And if any do, it ſhall be at the election of the diſſeiſee, whether the king by office ſhall cauſe it to be amended, or he will ſue by writ of *novel diſſeiſin*; and he that is attainted ſhall pay double damages, and ſhall be grievouſly amerced. Officers diſſeiſing without warrant.

Diſſenters.

I. *Stat.* 21 & 22 *Geo.* 2. *cap.* 25. *ſect.* 1. All matrimonial contracts or marriages heretofore, or hereafter entered into between proteſtant diſſenters, and ſolemnized or celebrated by proteſtant diſſenting miniſters or teachers, ſhall be, and held and taken good and valid to all intents and purpoſes whatſoever; and all parties to ſuch marriages, and perſons deriving under them, ſhall, in virtue of ſuch marriages be intitled to all rights and benefits whatſoever, from, under, or in conſequence of ſuch marriages, in like manner as all ſubjects of eſtabliſhed church, and as if ſolemnized by a clergyman of church of Ireland by law eſtabliſhed; any law, ſtatute, cuſtom, matter, or thing, to contrary notwithſtanding. Marriage contracts.

II. *ſect.* 2. Nothing herein ſhall extend to, or make void, or be conſtrued in any ways contrary to the ſeveral acts of George the firſt, and ſecond, for preventing clandeſtine and other marriages therein ſpecified, but ſaid acts ſhall be, and deemed and taken in full force and effect, as if this act not paſſed, any thing herein to contrary notwithſtanding. Not to affect acts of G. 1. and G. 2. againſt clandeſtine and other marriages.

Diſtreſs.

I. *Eng. Stat.* Marlebr. 52 *Hen.* 3. *cap.* 4. [redacted] ſhall cauſe any diſtreſs to be driven out of the county, and if any neighbour do ſo, or his bailiff of his own authority and without judgment, he ſhall be puniſhed by redemption: nevertheleſs if the lord ſo do againſt his tenure, he ſhall be but grievouſly puniſhed by amercement: moreover the diſtreſſes ſhall be reaſonable and Driving out of the county.

not too great: and he that taketh great and unreaſonable diſtreſſes ſhall be grievouſly amerced for the exceſs.

Diſtraining in highways.

II. *Eng. Stat.* Marlbre. 52 *Hen.* 3. *cap.* 15. It ſhall be lawful to no man to take diſtreſſes out of his fee, nor in the highway, nor in the common ſtreet, but only to the king or his officers having ſpecial authority.

Chaſing out of the ſhire.

III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 16. In right that divers perſons take the beaſts of other chaſing them out of the ſhire, it is provided that if any do ſo he ſhall make a grievous fine as in the ſtatute of Marleberge: and likewiſe it ſhall be done to them which take beaſts wrongfully and diſtrain out of their fee, they ſhall be more grievouſly puniſhed, if the manner of their treſpaſs ſo require.

Diſtraining foreigners.

IV. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 23. In no city, borough, market, or fair, ſhall foreign perſon which is of this realm, be diſtrained for debt whereof he is not debtor or pledge: and whoſoever doth it ſhall be grievouſly puniſhed: and the diſtreſs ſhall be delivered by the bailiff of the place, or by the King's bailiffs if need be.

Writ of treſpaſs.

V. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 37. No diſtreſs ſhall be taken but by bailiffs ſworn and known; and if they take diſtreſs otherwiſe, and thereof be convict, if the parties grieved will purchaſe a writ of treſpaſs, they ſhall be reſtored to their damages, and the other grievouſly puniſhed.

Fees of churches.

VI. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 9. Alſo the king's officers as ſheriffs and other do enter ſpiritual fees to take diſtreſſes, and ſometime take the parſon's beaſts in the highway where they have nothing but their glebe land. *The anſwer.* Such diſtreſſes ſhall neither be taken in the highway, nor in the fees wherewith churches have been endowed: nevertheleſs, diſtreſſes may be taken in the poſſeſſions of the church newly purchaſed by the parſon.

Taking pledges.

VII. *Stat.* 15 *Edw.* 4. *cap.* 1. Whatſoever perſons take any pledges contrary to the common law, they ſhall be adjudged felons attainted, and their goods and chattles, lands and tenements forthwith upon the ſaid act done forfeited to the King, unleſs he from whom the ſaid pledges ſhall be taken, be not ameſnable to the common law.

Appraiſing diſtreſſes.

VIII. *Stat.* 18 *Edw.* 4. *cap.* 1. *ſect.* 1. When any lord henceforth take any diſtreſs, if the diſtreſs be not quit within eight days after the taking, it ſhall be lawful to the lord to call before him or his officer four men of the ſame lordſhip, and to make them ſwear before him or his ſeneſchal, or his receiver, upon a book to praiſe the diſtreſs ſo taken, and if he from whom the diſtreſs is taken, do not come within eight days after the preſentment, and pay his duty, or make no agreement with his lord or his officer, then the lord to take it as it is praiſed for his rent with his damages; and if the diſtreſs be better than the rent with the arrearages, the lord to reſtore the ſurpluſage unto the tenant, and if it be of leſſer price than the value of the rent with the arrearages, the tenant to pay the ſurpluſage, or to be again diſtrained.

IX. *Stat.*

IX. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 25. *ſect.* 1. No diſtreſs of cattle ſhall be driven out of the hundred or barony where ſuch diſtreſs ſhall be taken, except it be to a pound overt within the ſaid ſhire, not above three miles diſtant from the place where the diſtreſs is taken; and no cattle or other goods taken by way of diſtreſs for any cauſe at one time, ſhall be impounded in ſeveral places, whereby the owners of ſuch diſtreſs ſhall be conſtrained to ſue ſeveral replevins for the delivery of the diſtreſs ſo taken at one time, upon pain every perſon offending, ſhall forfeit to the party grieved, for every offence, an hundred ſhillings and treble damages. Driving out of the barony.

X. *ſect.* 2. No perſon ſhall take for keeping in pound, or poundage of any diſtreſs above four pence for any whole diſtreſs that ſhall be ſo impounded: and where leſs hath been uſed there to take leſs upon pain of five pounds to be paid to the party grieved, beſide ſuch monies as he ſhall take above four pence. Fee for poundage.

XI. *ſect.* 3. Every ſheriff of ſhires, being no cities, nor towns made ſhires, ſhall at his firſt county day, or within two months next after he hath received his patent or ſheriff-wick, depute and proclaim in the ſhire-town within his bailiff-wick, four deputies at the leaſt, dwelling not above twelve miles the one diſtant from the other, which deputies and every of them, ſhall have authority in the ſheriffs name to make replevins and deliverance of ſuch diſtreſſes, in ſuch manner as the ſheriffs may do, upon pain that every ſheriff for every month that he ſhall lack ſuch deputies, ſhall forfeit for every ſuch offence five pounds, the one moiety of which forfeitures ſhall be to the King, the other half to him that will ſue for the ſame in any court of record, in which no eſſoign, &c. ſhall be admitted. Deputies for replevins.

XII. *Stat.* 10 & 11 *Car.* 1. *cap.* 7. *ſect.* 2. Foraſmuch as divers doubts did ariſe, whether the ſtatute 18 *Edw.* 4. *cap.* 1. can extend unto any but unto very lord and very tenant, it is therefore enacted, that all perſons, bodies politick and corporate ſeized of any eſtate of freehold, or of any eſtate for years, or eſtate equivalent thereunto of any lands, &c. and alſo all grantees of any rent charge, and the heirs, ſucceſſors, and aſſigns of ſuch grantees, and every other perſon, may diſtrain for their rents, cuſtoms, duties, and ſervices reſerved, and for which it ſhall be lawful to diſtrain by law out of any lands, &c. Owners of freeholds, &c.

(2) And it ſhall be lawful for all the ſaid perſons, bodies politick and corporate, and to the ſaid grantees, &c. to impound, appraiſe, and diſpoſe of, and convert to their uſe the diſtreſſes to be taken as aforeſaid, as in caſe between very lord and very tenant ſhould be lawful either by the ſtatute before mentioned, or by any other law. Diſpoſing of diſtreſſes.

XIII. *ſect.* 3. Provided, that the ſaid appraiſement be made upon oath by four or more honeſt and diſcreet perſons of the ſame pariſh where the diſtreſs ſhall be taken, in the ſame manner as hath been done by four perſons of the lordſhip, in caſe between very lord and very tenant, the oath to be adminiſtered by the parties diſtraining, or by their ſeneſchal, bailiff, or receiver. Appraiſement on oath.

XIV. *Stat.* 7 *Will.* 3. *cap.* 22. *ſect.* 4. It ſhall be lawful for any perſons having rent arrear, and due upon any demiſe, leaſe, or contract, to ſeize any ſheaves or cocks of corn, or corn looſe in the ſtraw, or hay lying or being in any barn, or upon any hovel, ſtack, or rick, or otherwiſe upon any part of the land charged with ſuch rent, and to lock up or diſtrain the ſame in the place Seizing corn and hay.

where the ſame ſhall be found, until the ſame ſhall be replevied; and in caſe ſuch diſtreſs ſhall not be replevied or owned within eight days after the taking thereof, the ſame to be appraiſed and ſold according to law. (*Eng. Stat.* 2 *Will.* & *Mar. Stat.* 1. *cap.* 5. *ſect.* 3.)

No removal.

XV. *ſect.* 5. Provided, that ſuch corn, grain, or hay ſo diſtrained be not removed by the perſons diſtraining, to the damage of the owner, out of the place where the ſame ſhall be ſeized, but be kept there as impounded, until the ſame ſhall be replevied or ſold.

Caſes of replevin.

(2) And in caſe any replevin ſhall be brought for ſuch ſheaves of corn or grain, or hay, if the plaintiff in ſuch replevin ſhall be non-ſuit either before or after appearance, or a verdict paſs againſt him, or judgment be given againſt him upon demurrer, in all ſuch caſes ſuch proceedings to be by inquiſition or finding of the jury upon like ſuggeſtion to be made in the conuſance or avowry, and like execution in ſuch caſes to be awarded *as in other caſes upon replevins. See Tit.* Avowry.

Pound-breach or reſcue.

XVI. *ſect.* 6. Upon any pound-breach or reſcue of goods diſtrained for rent, the perſons grieved ſhall in a ſpecial action upon the caſe, recover their treble damages and coſts of ſuit againſt the offenders in any ſuch reſcue or pound-breach, or againſt the owners of the goods diſtrained, in caſe the ſame be afterwards found to have come to his uſe or poſſeſſion. (*Eng. Stat.* 2 *Will.* & *Mar. Stat.* 1. *cap.* 5. *ſect.* 3.)

Penalty of reſcuing.

XVII. *Stat.* 4 *Geo.* 1. *cap.* 5. *ſect.* 1. Where any diſtreſs ſhall be taken by any landlord having authority to diſtrain, or by any perſons by ſuch landlord impowered, if ſuch diſtreſs or any part thereof be reſcued, every perſon ſo reſcuing, being convict thereof, ſhall be committed in execution by the court before whom ſuch conviction ſhall be had, for ſuch fine as the court ſhall impoſe on ſuch offenders.

Committal to the houſe of correction.

(2) And in caſe the party convicted ſhall not pay to the ſheriff of the county ſuch fine as ſhall be impoſed for ſuch reſcue within one month after commitment, the party convicted on default of ſuch payment, ſhall be conveyed by the ſheriff to the houſe of correction, or ſome workhouſe in the county, and there kept at hard labour for any time not leſs than three months, nor exceeding ſix months, according to the diſcretion of the judges or juſtices before whom ſuch offender ſhall be convicted.

Ejectment in caſes of reſcue.

XVIII. *ſect.* 2. It ſhall be lawful for ſuch landlords from whom any diſtreſs ſhall be unlawfully reſcued, to bring his ejectment, and recover the premiſſes, as if no diſtreſs were to be found on the ſame, and if ſuch tenants ſuffer judgment to paſs againſt the caſual ejector for want of appearing and taking defence, or of confeſſing leaſe, entry and ouſter, or on coming into court, a verdict ſhall paſs againſt them on proof of the ſaid reſcue at the trial, if ſuch tenants ſhall not pay all rent and arrear, together with full coſts, within ſix calendar months after judgment obtained, their leſſees or their aſſignees ſhall be barred from all relief in law or equity, other than by writ of error for reverſal of ſuch judgment, in caſe the ſame ſhall be erroneous, and the demiſed premiſſes diſcharged from ſuch leaſe.

Appraiſement of diſtreſſes.

XIX. *Stat.* 8 *Geo.* 1. *cap.* 2. *ſect.* 6. It ſhall be lawful to appraiſe any diſtreſs for rent, duties or ſervices, which by law are liable to be appraiſed by three or more honeſt and diſcreet perſons of the barony where ſuch diſtreſs ſhall be taken, and the landlord his bailiff or receiver, ſhall adminiſter an oath

to

to ſuch perſons before ſuch diſtreſs ſhall be appraiſed, that they will according to the beſt of their judgment, juſtly and indifferently value and appraiſe the ſame, and the appraiſement ſo made ſhall be as effectual as if the ſame had been made in purſuance of any former law.

Warrant of aſſiſtance.

XX. *ſect.* 7. If any diſtreſs lawfully taken for rent or ſervices, or other legal dues, ſhall be reſcued, if the perſon on whoſe behalf ſuch diſtreſs was taken, his agent, or bailiff, or any perſon employed in taking ſuch diſtreſs, ſhall within fourteen days after ſuch reſcue, make oath thereof before any juſtice of the peace of the county where ſuch reſcue ſhall have been committed, ſuch juſtice ſhall by warrant under his hand and ſeal order one or more conſtables of the ſaid county to go with and aſſiſt the perſon on whoſe behalf ſuch diſtreſs was taken, or his agent or bailiff, or the perſon making ſuch oath to diſtrain again, and to take with him a number of perſons ſufficient to ſecure and convey the diſtreſs ſo to be taken to ſome lawful pound.

Money to be depoſited.

XXI. *ſect.* 9. Provided, that before any juſtice of the peace ſhall grant ſuch warrant, there ſhall be depoſited in the hand of ſuch juſtice, ſuch reaſonable ſum of money as ſuch juſtice ſhall require to ſatisfy ſuch conſtables and their aſſiſtants for their trouble in executing ſuch warrant, out of which reaſonable ſatisfaction ſhall be made by ſuch juſtice after the ſervice performed to ſuch conſtables and their aſſiſtants, returning the overplus, which money ſo paid ſhall in the firſt place be deducted out of the money ariſing by ſuch diſtreſs, in caſe the ſame ſhall be ſold, or otherwiſe ſhall be levied by diſtreſs and ſale of the goods, as in caſe of a diſtreſs for rent, or by civil bill againſt the perſon owing the rent, ſervice, or other duty for which ſuch diſtreſs was taken, with coſts of ſuit.

Watch to prevent reſcue.

XXII. *ſect.* 10. If it ſhall appear upon oath to any juſtice of the peace of the county or place where any corn or hay ſhall be lawfully diſtrained, that the ſame is in great danger of being reſcued or unlawfully taken away, ſuch juſtice ſhall by warrant as aforeſaid, order any conſtable of the ſame county to appoint a ſufficient number of fit perſons to watch and ſecure ſuch corn or hay until ſuch time as the ſame might lawfully be ſold, or ſhall be otherwiſe delivered by courſe of law, and each perſon ſo appointed ſhall be paid ſuch wages as ſuch juſtice ſhall direct, not exceeding one ſhilling, nor leſs than ſix pence for one day's attendance, nor leſs than one ſhilling, nor more than one ſhilling and ſix pence for a day and a night's attendance to any one perſon.

Payment to be depoſited.

XXIII. *ſect.* 11. Provided, that the perſon at whoſe inſtance ſuch warrant ſhall be granted, ſhall before the granting of the ſame, depoſit ſuch reaſonable ſum in the hand of ſaid juſtice, as ſuch juſtice ſhall judge to be ſufficient for ſuch payment, which ſuch juſtice ſhall cauſe to be made according to the proportions above mentioned, after the ſervice performed, returning the overplus and one moiety of the ſum which ſhall be at the charge of the party on whoſe behalf ſuch warrant was granted, and as to the other moiety thereof, ſatisfaction ſhall be made to the party who made the depoſit out of the money ariſing by ſuch diſtreſs in the firſt place in caſe the ſame ſhall be ſold, or otherwiſe ſhall be levied by diſtreſs and ſale as in caſes of diſtreſs for rent, or by civil bill againſt the perſon owing the rent, ſervice or other duty for which ſuch diſtreſs was taken, with coſts of ſuit.

Impounding on the premiſſes.

XXIV. *Stat.* 15 *Geo.* 2. *cap.* 8. *ſect.* 6. It ſhall be lawful for any perſons taking diſtreſs for rent, to impound or ſecure the diſtreſs of what kind ſoever it may be, on ſuch part of the premiſſes chargeable with the rent as ſhall be

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moſt convenient, and to appraiſe and diſpoſe of the ſame upon the premiſſes in like manner as any perſon taking a diſtreſs for rent may now do off the premiſſes, and it ſhall be lawful for any perſons to come and go to and from ſuch place where any diſtreſs for rent ſhall be impounded and ſecured as aforeſaid, in order to view, appraiſe, and buy, and alſo in order to carry off or remove the ſame on account of the purchaſer thereof; and if any pound-breach or reſcous ſhall be made of any goods or ſtock diſtrained for rent and impounded or ſecured by virtue of this act, the perſons aggrieved thereby ſhall have the like remedy as in caſes of pound-breach or reſcous.

Double coſts of ſuit.

XXV. *ſect.* 9. In all actions of treſpaſs, or upon the caſe againſt any perſons entitled to rents or ſervices, their bailiff or receiver, or any other perſons relating to any entry upon the premiſſes chargeable with ſuch rents or ſervices, or to any diſtreſs or ſeizure, ſale or diſpoſal of any goods or chattles, thereupon it ſhall be lawful for the defendants to plead the general iſſue, &c. and in caſe the plaintiffs ſhall become non-ſuit, diſcontinue their action, or have judgment againſt them, the defendants ſhall recover double coſts of ſuit.

This act is made perpetual, by Stat. 1 *Geo.* 3. *cap.* 17. *ſect.* 15.

Sale by publick cant.

XXVI. *Stat.* 25 *Geo.* 2. *cap.* 13. *ſect.* 5. All diſtreſſes for any rent, or arrears of rent, ſhall unleſs redeemed within eight days after the ſame ſhall be diſtrained, be ſold by publick cant to the higheſt and faireſt bidders, at ſuch times and ſuch convenient places as the perſon diſtraining, his agent or bailiff ſhall for that purpoſe appoint ſuch perſon, &c. after default made in redeeming ſuch diſtreſs within the time aforeſaid, firſt cauſing notice in writing of the place and time intended for ſuch ſale, to be poſted up ſix days previous to the time of ſuch ſale in the next market town, at the uſual places for poſting up publick notices, and the prices for which ſuch diſtreſſes ſhall be *bona fide* then and there ſold, ſhall be deemed as between all the parties aforeſaid, and all perſons deriving under them reſpectively, to be the full and real value of ſuch diſtreſſes, and ſuch value ſhall not be afterwards queſtioned in any court of law or equity, and in caſe ſuch diſtreſſes ſhall be ſold for more than is owing to the perſons for whoſe benefit ſuch diſtreſſes ſhall be taken, ſuch overplus, after deducting thereout all neceſſary expences attending the taking and ſelling the ſaid diſtreſs, ſhall be paid over to the perſons from whom ſuch diſtreſſes ſhall be taken. *See Tit.* **Avowry. Rents. Replevin.**

Dogs.

Blocks on dogs,

I. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 31. Every perſon who ſhall keep any cur dog, maſtiff, or bull dog, at any houſe within two hundred yards of any road, without having a block of wood of the weight of five pounds at leaſt, faſtened to the neck of every ſuch dog, ſhall upon conviction by the oath of one credible witneſs, before any juſtice of the peace of the county where ſuch offence ſhall be committed, for every ſuch offence forfeit a ſum not exceeding ten ſhillings, to be levied by diſtreſs and ſale of the goods of the offender, by the warrant of any one juſtice of the peace of the county, or city, or town corporate, in which ſuch offence ſhall be committed.

penalty of 10s.

II. *ſect.* 33. And any juſtice of the peace within his juriſdiction, may, upon the information of any one credible witneſs upon oath (which oath every ſuch juſtice is hereby empowered to adminiſter) by warrant under his hand or ſeal, order any dog, kept contrary to the intent of this act, to be killed; and any perſon may kill any dog that ſhall be kept contrary to this act, without being ſued or proſecuted for ſo doing. Dogs without blocks to be killed.

Dower and Tenant by the Curteſy.

I. *Eng. Stat.* Magna Charta, 9 *Hen.* 3. *cap.* 7. A widow ſhall without difficulty have her marriage and her inheritance, and ſhall give nothing for her dower, her marriage, and her inheritance which her huſband and ſhe held the day of the death of her huſband. And ſhe ſhall tarry in the chief houſe of her huſband forty days, within which days her dower ſhall be aſſigned. And if the houſe be a caſtle, a convenient houſe ſhall be aſſigned her. And ſhe ſhall have in the mean time her reaſonable eſtovers. And for her dower ſhall be aſſigned the third part of all the lands of her huſband which were his during coverture, except ſhe were endowed of leſs at the church door. Proviſion for widows.

II. *Eng. Stat.* Merton. 20 *Hen.* 3. *cap.* 1. Of widows which be deforced of their dower, or quarantine of lands whereof their huſbands died ſeiſed, and they recover by plea; they that be convict of ſuch deforcement ſhall yield damages the value of the whole dower to the day that the widows by judgement ſhall have recovered ſeiſin, and ſhall be amerced at the King's pleaſure. Damages for dower.

III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 49. A writ of dower, *unde nihil habet*, ſhall not abate by exception of the tenant, "That ſhe hath "received her dower of another;" unleſs he ſhew, that ſhe hath received part of her dower of himſelf in the ſame town. No abatement of writ, &c.

IV. *Eng. Stat.* Glouceſt. 6 *Edw.* 1. *cap.* 7. If a woman ſell or give the land which ſhe holdeth in dower, the heir or other to whom the land ought to revert ſhall have preſent remedy to recover the land by writ of entry. Selling the land.

V. *Eng. Stat.* de tenent. per legem Angliæ, *incer. temp.* When a man receives land with his wife in marriage, if he have of the ſame wife, an heir, ſon or daughter crying, heard within the four walls, if the huſband ſurvive the wife, whether the heir live or not, the marriage ſhall remain to the huſband, and after his death revert to the donor or his heir. *See. Tit.* Recoveries. Living child.

Drapery.

I. *Stat.* 17 & 18 *Car.* 2. *cap.* 15, *ſect.* 1. All ſaleable cloths, half-cloths, and pieces of cloths, kerſeys, freeze, cottons, rugge, and all other cloths called the old drapery; and alſo all ſaleable bays, ſays, ſerges, fluſhings, ſtuffs, Length, breadth and weight of cloths.

ſtuffs, and other commodities made of wool, part of wool, cotton, or otherwiſe, known by the name of the new drapery, offered to ſale, ſhipped or imbarked, ſhall be made of the length, breadth, and weight herein after mentioned, that is to ſay, all broad cloths mixed and dyed in wool, to be in length betwixt twenty three and twenty five yards out of the mill, and no more, and in breadth ſix quarters and one half of a quarter out of the mill at the leaſt, within the liſts, and in weight, being well thicked, ſcoured, fulled, dreſſed, and dried, threeſcore and twelve pounds, and to be all made with narrow liſts; and alſo all broad cloths woven white, to be of the ſame breadth and length, and in weight threeſcore pounds. And kerſeys of all ſorts not to exceed eighteen yards in length, and to be full three quarters and one half quarter of the yard out of the mill in breadth, and in weight, being dyed in the wool, twenty four pounds, and white kerſeys, every yard to weigh a pound; all cottons and bandle cloth to be in length twenty four yards of the piece, and in breadth, being fully thicked, ſcoured, and dreſſed, one full yard. Alſo all manner of bays not to exceed forty four yards in length, nor to be leſs out of the mill than a full yard in breadth; all broad baize called hundreds, or blue liſts, not to exceed threeſcore yards in length, and to be in breadth ſeven quarters; all ſays and ſerges to be in length twenty four yards, and not leſs than a full yard in breadth; all carpettings, hangings, and dornocks, not to exceed twenty four yards in length, and carpettings and hangings to be in breadth either ſix quarters or three yards, and dornocks five quarters broad. And other ſtuffs to be made of wool, part of wool, cotton-wool, commonly called the old and new drapery, not to exceed twenty four yards in length, and not to be leſs than a full yard in breadth within the liſt. And all manner of caddows and rugs to be a yard in breadth within the liſt or ſelvage out of the loom.

Alnage-office.

II. *Sect.* 2. There ſhall be, and hereby is appointed an office called the alnage-office, and the chief officer therein ſhall be called his Majeſty's alnager, and ſhall be conſtituted by letters patent under the great ſeal for years or for life, and ſhall execute the ſaid office by himſelf, or ſufficient deputies; and ſhall by himſelf, or his deputies, meaſure, view, try, weigh, and ſearch all ſuch broad cloths, &c. and all other cloths and commodities, to be made of wool, part of wool, cotton-wool, or otherwiſe, commonly called the old and new drapery, before they be offered to ſale, ſhipped or imbarked, whether the ſame be of the length, breadth, and weight before limited, and be made, wrought, and dreſſed without ſtraining by any inſtrument or device.

Alnager to ſeal cloths.

(2) And the ſaid alnager or deputies, ſhall upon meaſuring, viewing, trying, ſearching, and weighing of ſaid cloths, &c. and other commodities ſo to be made, and to be put to ſale, ſhipped or imbarked, in caſe the ſame be found to be good and merchantable ware, ſeal or mark the ſame with a ſeal or mark, to be allowed of by the lord treaſurer of Ireland, or chancellor of his Majeſty's exchequer here.

Un-merchantable goods.

(3) And in caſe any of them be found not to be merchantable, but defective and deceitfully wrought, to cut and jag the ſame at both ends, thereby to note the ſame defect without any ſeal or other mark to be put to the ſame, to the intent that no perſons be deceived thereby.

Alnage duties.

(4) And the alnager and his deputies ſhall receive to his Majeſty's uſe for the ſubſidy and alnage of all the ſaid cloths and other ſtuffs, and commodities aforeſaid, as well ſealed as jagged, and for all knit ſtockings, fringes, cruels, lace, boulting ſwadling bands or bridlin to be made of wool, cotton-wool

cotton-wool or otherwiſe, and to be put to ſale, ſuch ſums as are hereafter mentioned, that is to ſay, for every broad cloth, four pence for the ſubſidy thereof, and for the alnager's fee for the ſealing of the ſame, one half penny; and for every half cloth, two pence for the ſubſidy thereof, and for the alnager's fee one farthing, and ſo rateably for every kind of cloth and other draperies and commodities aforeſaid, called the old drapery, according to the ſeveral lengths of the ſame; and for every piece of ſay, ſerge, ſtuff, knit-ſtockings, and of all other of the commodities aforeſaid, called the new drapery, for every four pound weight thereof, for the ſubſidy of the ſame, one farthing, and ſo rateably for every leſſer proportion of the ſame; and for the alnager's fee for the ſealing and jagging thereof, one farthing, and ſo rateably.

Fees to the alnager.

(5) And for the meaſuring, ſearching, viewing, trying, and weighing of every broad cloth, kerſey, rugs, bays, cotton, and other drapery, containing in length twenty three yards, or between twenty three yards and twenty five yards, ſhall be paid to the alnager for the ſearching thereof, for his fee two pence, and ſo rateably for every piece of like cloths, kerſeys, rugs, and of all other the like draperies and commodities aforeſaid, according to the number of yards, and quantities that they ſhall contain.

Forfeiture of unſealed goods.

(6) And whatſoever clothier or worker of any the commodities aforeſaid, or any other perſons that ſhall offer to ſale, ſhip or imbark any ſuch ſaleable cloths, &c. or commodities whatſoever made of wool, part of wool, cotton-wool, or otherwiſe called the old or new drapery made within this kingdom, before they ſhall be firſt meaſured, ſearched, and weighed by the alnager, &c. and ſhall be by ſome of them approved and marked, as by this act is appointed to be merchantable, and that they have paid the ſubſidy and alnager's fee for the ſame; every ſuch clothier and maker of any ſuch cloths, or of any other the commodities aforeſaid, or ſuch other perſons offering to ſale, ſhipping or imbarking, ſhall forfeit all ſuch goods ſo offered to ſale, ſhipped or imbarked, to his Majeſty, to be recovered as in this act is directed.

Negligence of alnagers.

III. *ſect.* 3. If the alnager, his deputies or ſubſtitutes, ſhall not duly execute the ſaid office in the due meaſuring, weighing, viewing, ſearching, trying, ſealing, and marking of any the aforeſaid ſaleable cloths, &c. or commodities aforeſaid, called the old and new drapery; or if the ſaid alnager or deputies ſhall be negligent, or otherwiſe ſhall offend in the due execution of the ſaid office, the ſaid alnager and deputies ſo offending, ſhall forfeit to his Majeſty for the firſt offence, being convicted thereof, ten pounds, and after ſuch fine paid, being convict of a ſecond offence, twenty pounds, and after ſuch ſecond fine and puniſhment impoſed, being convict of a third offence, thirty pounds, and ſo for each offence of that kind, which they being found guilty ſhall be fined for ſeverally and reſpectively in manner as aforeſaid; and the conviction of the ſaid alnager, and recovery of the ſaid forfeiture, ſhall be by indictment, preſentment, or information, to be brought in any of his Majeſty's courts in Dublin, or before juſtices of aſſize, or the juſtices of the peace at their quarter-ſeſſions where ſuch offence ſhall be committed, wherein no eſſoign ſhall be admitted.

Weavers marks in cloths.

IV. *ſect.* 4. Every clothier and maker of cloth and ſtuffs, or any other commodities made of wool, part of wool, cotton-wool, or otherwiſe commonly called the old or new drapery for ſale, before they ſhall offer to ſale, ſhip or embark the ſame or any part thereof, they ſhall weave their

marks into the head end of all ſuch cloths, &c. and every other of the cloths and commodities called the old and new drapery, upon pain of forfeiture of all ſuch cloths and other commodities as ſhall not be ſo marked, provided that neither the alnager nor his deputies ſhall either ſearch, view, try, weigh, or ſeal any of the cloths, ſtuffs, or commodities aforeſaid, made by any perſons for their own uſes, or for the uſe of their families, neither ſhall take or require any thing for the ſame, upon pain of forfeiture of five pounds to his Majeſty, being convicted of the ſaid offences in ſuch manner as by this act is declared.

Places for ſearching goods.

V. *ſect.* 5. There ſhall be convenient places appointed by the alnager, or by his deputies, in every city, market town, and other convenient place, for the meaſuring, ſearching, viewing, weighing, marking and ſealing of all ſuch cloths, &c. and commodities aforeſaid, called old and new drapery, whereby every perſon that ſhall have any of the commodities aforeſaid, to be ſearched, viewed, meaſured, tried, and ſealed, may know where to have the ſame done, and may not be drawn to travel above the ſpace of ſix miles from their ſeveral abodes for the perfection thereof.

Appointing deputies.

(2) And alſo the alnager ſhall have power to appoint in every of the counties, cities, villages, and places within this kingdom, ſuch deputies, as well for the meaſuring, ſearching, viewing, weighing, marking, and ſealing of all ſuch cloths and commodities aforeſaid, as are hereby to be meaſured or ſealed; and alſo for the collecting of the ſaid ſubſidy and alnage to his Majeſty's uſe, as to the ſaid alnager ſhall be thought convenient, and likewiſe to perform whatſoever ſhall be neceſſary or lawful to be done therein by the ſaid alnager.

Entering into ſhips, houſes, &c.

(3) And it ſhall be lawful for the ſaid alnager, his deputies, and every of them, to ſearch in all ſhips and boats, fairs and markets of Ireland, as often as occaſion ſhall require, and in the day time with the conſtable or other officer of the pariſh, to enter into and ſearch all the houſes, warehouſes, ſhops, or cellars of any perſons, as well within the liberties as without, where any ſuch cloths or any other of the ſaid commodities ſhall be ſuppoſed to be, and the ſame to make ſtay of until the owners thereof have anſwered their contempt therein; and if any perſons ſhall reſiſt or deny ſearches by the ſaid alnager or his deputies to be made as aforeſaid, they ſhall for every ſuch offence, being convict thereof in manner as aforeſaid, incur ſuch penalty as the juſtices before whom the perſons ſo convict ſhall think fit to impoſe, not exceeding ten pounds.

Hot preſſes.

VI. *ſect.* 6. Every perſon preſſing of any ſort of woollen cloths with any hot preſs, or other like deceitful means, ſhall forfeit all cloths ſo preſſed.

Penalty on officers.

VII. *ſect.* 7. No ſearcher or waiter of any port ſhall knowingly permit any of the aforeſaid cloths, &c. or commodities to be carried into any ſhip or boat, unleſs the ſame be marked and ſealed by the alnager or his deputies, or one of them, with the ſeal or mark thereunto ordained, upon pain of forfeiture of his office, and impriſonment by the ſpace of ſix months being duly convict thereof in manner as aforeſaid.

All perſons to be aſſiſting.

VIII. *ſect.* 8. All his Majeſty's officers and ſubjects ſhall be aiding and aſſiſting unto the alnager and to his deputies, by all lawful means, for the due execution of the aforeſaid offices.

IX. *ſect.*

IX. *ſect.* 9. If any perſons do counterfeit, and ſet to, or take away from any the cloths and other commodities herein called the old and new drapery, the alnager's ſeal appointed to be fixed to ſuch commodities by this act, every perſon ſo offending, and being duly convict thereof in ſuch manner as is herein appointed, ſhall forfeit for every ſuch offence as often as he ſhall be convict thereof in manner as aforeſaid, the ſum of ten pounds ſterling for every ſuch offence, to be recovered to his Majeſty's uſe in manner as aforeſaid.

Counterfeiting ſeals.

X. *Stat.* 21 & 22 *Geo.* 3. *cap.* 23. *ſect.* 1. Whereas an act paſſed in ſeventeenth and eighteenth of Charles the ſecond, *for true making all cloth, called old and new drapery, and true ſearching and ſealing by alnager*, and one other act paſſed in nineteenth and twentieth of his Majeſty's reign, *for regulation of the woollen manufacture*, and the ſubſidy and alnage by ſaid acts, and fees thereby to alnager upon new drapery, cottons, and ſtockings, and all other manufactures ſubject to alnage, except old drapery, are a heavy charge upon and tend to prevent extenſion of the ſaid manufactures, and it is not expedient that ſaid new drapery, cottons, ſtockings, and other manufactures as aforeſaid, except old drapery, ſhould continue under reſtraints and regulations by ſaid acts; and ſo much of ſaid acts as relate to cottons, new drapery and ſtockings, and other manufactures, except old drapery as aforeſaid, ought to be repealed, and the laws now in being for regulating the woollen manufactures, called old draperies, are beneficial to ſaid manufactures, and ought to be carried into execution, except that all thoſe parts of old drapery, called broad cloth, ſhould be charged with only one half of ſubſidy payable by ſaid firſt recited act, and all other parts of old drapery ſhould be charged with only one fourth of the ſubſidy by the ſaid firſt recited act: the ſaid acts, as far only as the ſame tend to impoſe any ſubſidy, duty, or fee on or in any wiſe relate to ſtuffs, ſerges, camblets, calimancoes, everlaſtings, ſattinets, worſted damaſks, moreens, paragons, kidderminſters, bombazines, crapes, poplins, tabinets, and all other goods called and known by the name of new drapery, by whatever particular name now or hereafter denominated, or which are made of worſted or of wool and ſilk, or wool and linen or cotton yarn, to cottons and ſtockings, and to any ſpecies of goods heretofore or at preſent ſubject to ſubſidy, alnage, and fees, except old drapery, ſhall from thenceforth be repealed and be null and void; and all ſuch ſubſidy and alnage as was by ſaid acts, or either charged and payable to his Majeſty, and all ſuch fees as thereby charged, chargeable, or payable for ſealing, meaſuring, ſearching, viewing, trying, or weighing ſaid laſt mentioned ſpecies of goods by alnager, or deputies, ſhall ceaſe and determine.

17 & 18 C. 2. c. 15. & 19 & 20 G. 3. c. 20. recited, ſo far as ſaid acts impoſe ſubſidy, duty or fee on, or relate to new drapery, &c. repealed, and ſubſidy or alnage thereon by ſaid acts ſhall ceaſe.

XI. *ſect.* 2. All fees to ſaid alnager, whether by preſcription or otherwiſe, upon ſaid new drapery, cottons, and ſtockings, or other manufactures, except old drapery as aforeſaid, and all duties of his office reſpecting the ſame, ſhall ceaſe to be payable or performed.

Alnager's fees (except old drapery) and all duties of office, ſhall ceaſe.

XII. *ſect.* 3. No higher ſubſidy ſhall be charged, raiſed, paid, or levied by ſaid acts or either on thoſe manufactures called old drapery, than as herein after upon ſuch part of the old drapery as is called broad cloth, two pence for every broad cloth of length preſcribed by ſaid act ſeventeenth and eighteenth of Charles the ſecond, being one half of the old ſubſidy now payable thereon, and upon all other part of the old drapery of length preſcribed

Subſidy.

ſcribed by ſaid act, one halfpenny, being one fourth of the old ſubſidy now payable.

Not to affect old drapery ſave as to ſubſidies, ſaid acts as to old drapery, ſave as aforeſaid in force.

XIII. *ſect.* 4. Nothing herein ſhall affect any cloth, cloths, kerſies, ruggs, baizes or any other goods or manufactures commonly called and known by the name of old drapery, except cottons and ſtockings, ſave as herein before enacted in reſpect of ſubſidies thereon, but ſaid acts ſo far as the ſame relate to all goods commonly called and known by name of old drapery, ſave and except as aforeſaid, ſhall remain in full force and effect, as if this act never made.

Drawback.

No drawback or bounty on export to Faro, if goods entered for other parts landed there, drawback forfeited, and treble value by exporter and aſſiſtants, and the ſhip, &c.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 9. *ſect.* 1. Whereas goods and merchandizes are frequently ſhipped for exportation to the iſlands of Faro or Fero, part of the dominions of Denmark, with no other intent than fraudulently to reland the ſame: no drawback or bounty ſhall be allowed for any goods whatſoever, which after twenty fifth December one thouſand ſeven hundred and eighty one ſhall be exported from Ireland to ſaid iſlands; and if any merchant or perſon ſhall enter any goods for exportation to other parts than to ſaid iſlands, to obtain the drawback or bounty, and ſuch goods ſhall be carried to ſaid iſlands, and landed there, contrary to true intent of this act, the drawback or bounty, paid or to be paid for the ſame, ſhall be forfeited, and the exporter and maſter of the ſhip or veſſel on board which the ſame have been landed and exported, and every perſon concerned in aſſiſting in exportation or landing ſaid goods, whether any drawback or bounty has been or is to be paid for the ſame or not, ſhall forfeit treble value of the goods, and the ſhip or veſſel on board which loaded and exported, with all her tackle, furniture, and apparel, ſhall alſo be forfeited, and ſeized and proſecuted by any officer of cuſtoms or exciſe.

Faro included in oath for debenture.

II. *ſect.* 2. After twenty fifth December one thouſand ſeven hundred and eighty one ſaid iſlands ſhall be added to and included in the oath upon all debentures for goods exported, whereon the exporter is to ſwear, that ſuch goods are not landed nor intended to be landed in Great Britain or Ireland.

Drogheda.

Eſtabliſhing rules.

I. *Stat.* 17 & 18 *Car.* 2. *cap.* 2. *ſect.* 37. *Authority is given to the chief governors and council to eſtabliſh rules for regulating cities,* &c. *(See Tit.* **Corporations**) *under which power the following rules and orders were made for regulating the corporation of the town of Drogheda.*

Election of officers.

II. The mayor, ſheriff, recorder, town clerk, and all other officers of the town of Drogheda, ſhall be elected only by the mayor and ſheriffs, and common council of the ſaid town, or the greater number of the votes of ſuch of the common council of the ſaid town as ſhall be preſent on the days whereon ſuch elections are uſually made; and no freeman or other perſon who ſhall not be of the common council of the ſaid town, ſhall have any vote in the election of any mayor, ſheriffs, recorder, or town clerk, or

other

other officers in the ſaid town of Drogheda; and no matter relating to the affairs of the ſaid town ſhall be propounded or debated in the Tholſel, or any aſſembly of ſaid town, until the ſame ſhall have firſt paſt the common-council, and the perſons offending againſt this rule, ſhall be disfranchiſed by the mayor and common-council of the ſaid town.

Foreigners to be free.

III. Secondly, All foreigners and aliens, as well others, as proteſtants, who ſhall be merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled in any trade, or in making any manufacture, or in the art of navigation, who ſhall come into the ſaid town with intent there to inhabit, ſhall upon requeſt made, and upon payment or tender of twenty ſhillings by way of fine unto the chief magiſtrates and common council, or other perſons authorized to admit freemen, be admitted a freeman of the ſaid town, and of any guild or fellowſhip of any trade within the ſame during their reſidence for the moſt part, and their families conſtant inhabiting within the ſaid town, and ſhall have all privileges of trading as any freeman of ſaid town might have by virtue of their freedom; and ſuch perſons ſhall be denizens within this kingdom.

Oaths to be taken.

IV. Provided, that all ſuch ſtrangers to be admitted freemen as aforeſaid, ſhall take the oath of allegiance, and ſuch other oaths as are accuſtomably taken by freemen of the ſaid town, or by the members of any ſuch guild of the trade which they ſhall exerciſe, in caſe they ſhall deſire to be incorporated into any ſuch guild, and ſhall pay ſuch charges as all freemen his Majeſty's ſubjects of the like trade uſe to pay.

Magiſtrates refuſing.

(2) And if the chief magiſtrates of the ſaid town, or any maſter, warden, or other governor of any ſociety, or any trade within the ſaid town, ſhall refuſe to admit any ſuch ſtranger, &c. to be a freeman of ſaid town, or to be a member of any ſociety or fellowſhip within the ſame, every ſuch chief magiſtrate, maſter, warden, or other governors reſpectively, ſhall upon complaint and due proof made of ſuch refuſal before the lord lieutenant, or chief governors and council, be by their order disfranchiſed, and incapable without their licence of being a freeman or member of the ſaid town.

Tender of fine.

(3) And ſuch ſtranger, &c. upon tender of twenty ſhillings, by way of a fine as aforeſaid, and taking the oath of allegiance before any juſtice of peace of the county of Lowth, who is required to adminiſter the ſaid oath, ſhall thereupon be deemed to be a freeman or member of the ſaid town and of the ſociety of any trade where they ſhall be denied admiſſion as aforeſaid, and have the privilege of trading as if he had been admitted a freeman of the ſaid town, or member of ſuch ſociety, taking the uſual oaths of ſuch freemen or members, which oaths any juſtice of peace of the ſaid county of Lowth ſhall have power to adminiſter, and paying all ſuch charges as aforeſaid.

Interrupting ſtrangers.

(4) And in caſe any perſon ſhall give any interruption to ſuch ſtranger to the hindering him in his trading contrary to the intent hereof, ſuch perſons ſo offending ſhall upon like complaint and proof made of their offence therein before the lord lieutenant, or chief governors and council, be by their order disfranchiſed, and incapable without their licence of being made a freeman, or member of the ſaid town.

Rules to be inrolled.

V. Theſe additional rules for ever to continue in force within the ſaid town of Drogheda, and within the corporations thereof; and the ſame to be forthwith inrolled in the rolls of chancery.

Given

Given at the council-chamber in Dublin, the five and twentieth day of September, 1672.

Drogheda, Watch.

Recital of the act, 6 G. 1.

I. *Stat.* 5 *Geo.* 3. *cap.* 22. *ſect.* 17. And whereas the pariſh watches in the county of the town of Drogheda, as ſettled by an act paſſed in the ſixth year of the reign of his late Majeſty king George the firſt, for the better regulating the pariſh watches, and amending the highways in this kingdom; are found very oppreſſive to the inhabitants in the ſaid county, living without the gates and walls of the ſaid town; it is enacted, that from the laſt day of the ſeveral adjournments of next July ſeſſions for ſaid town and county, the inhabitants within the walls of ſaid town, and the owners and occupiers of the ſeveral yards, warehouſes and cellars of the ſaid town, ſhall pay yearly for every houſe inhabited, and for every yard, and every warehouſe or cellar occupied, the ſum of four pence for every pound of the yearly value of ſaid houſe, warehouſe, yard, or cellar, according to the rent ſuch houſe, yard, warehouſe or cellar might reaſonably ſet for to a ſolvent tenant, which ſhall be in lieu of all taxes or duties heretofore payable or demandable for watching, or watch-money, by or from the inhabitants within the ſaid walls.

4d. in the pound.

Raiſed and accounted for.

II. *ſect.* 18. The ſaid ſum of four pence to be raiſed, paid, and accounted for, as is directed, as to the city of Dublin, by an act of parliament paſſed in this kingdom in the tenth year of the reign of his late Majeſty king George the firſt, *for continuing and amending an act, for the better regulating the pariſh watches, and amending the highways in this kingdom*, &c.

Value ſettled,

July ſeſſions.

III. *ſect.* 19. The ſaid yearly value of all ſuch houſes, yards, warehouſes and cellars, to be ſettled by the juſtice of the peace for the ſaid county and town of Drogheda, at every July ſeſſions, or at ſome adjournment thereof to be held in open court, which court of ſeſſions ſhall have the ſame powers in every reſpect, that the lord mayor and the ſeveral veſtries in the city of Dublin have by virtue of ſaid act, and in every reſpect to regulate and appoint the management thereof.

Drugs, &c.

Election of fellows.

I. *Stat.* 1 *Geo.* 3. *cap.* 14. *ſect.* 1. The preſidents, cenſors, and fellows of the King and Queen's college of phyſicians in Ireland, ſhall have authority to enlarge the number of their body, by admitting into the fellowſhip of their body ſo many other learned and worthy doctors of phyſick, as they ſhall judge neceſſary and fit to be admitted, upon due examination, by election of the ſaid college of phyſicians.

Appointing inſpectors.

II. *ſect.* 2. The ſaid preſident, cenſors, and fellows of the ſaid college of phyſicians, may appoint four of the members of their body, to be inſpectors and examiners of all elaboratories, ſhops, ware or ſtore-houſes, cellars, vaults, or rooms, and of all other repoſitories of what kind or name ſoever they may be, in the houſes, or other places belonging to any apothecary, chymiſt, or druggiſt, or other perſons who import for ſale, or buy and ſell, or keep for that purpoſe, or who prepare, adminiſter, or ſell, or keep for thoſe purpoſes, any

any drug, or ſimple or compound medicine, which may be uſed as medicine for the health of man's body, within the city of Dublin, and ten miles circuit thereof.

III. *ſect.* 3. The ſaid college of phyſicians ſhall, within three days after electing the inſpectors or examiners aforeſaid, give notice in writing to the maſter and wardens of the corporation of apothecaries of the city of Dublin, that the ſaid college has choſen four of its members, as inſpectors and examiners of drugs and medicines, purſuant to this act, and requiring the ſaid corporation to appoint two of the moſt ſkilful and honeſt apothecaries of their corporation, as aſſiſtants to the ſaid examiners, and to return their names and places of abode to the ſaid college of phyſicians, within three days after ſuch notice ſhall be given in writing, which appointment of two aſſiſtant apothecaries, ſhall nevertheleſs be ſubjected to be excepted againſt, or approved of, by the ſaid college of phyſicians. Notice of appointment.

(2) And whenſoever the ſaid college of phyſicians ſhall object to the return of both, or either of the aſſiſtant apothecaries, made to them as aforeſaid, the ſaid corporation of apothecaries ſhall be obliged, upon notice from the ſaid college of phyſicians, to come to a new nomination, and to make a new return, in the room of both or either of the perſons ſo diſapproved of by the ſaid college of phyſicians. Objection to returns.

IV. *ſect.* 4. If the ſaid corporation of apothecaries ſhould neglect to return ſuch aſſiſtant apothecaries; or in caſe the ſaid returned, or aſſiſtant apothecaries, ſhould refuſe or neglect to come to the ſaid phyſicians, upon due notice, it ſhall be lawful for the ſaid examining phyſicians, to proceed without them. Neglecting to return.

V. *ſect.* 5. The four phyſicians, appointed by the ſaid college of phyſicians, as aforeſaid, ſhall be the viſitors, inſpectors, and examiners of the ſhops, or other repoſitories, where drugs, or ſimple or compound medicines of any denomination are made, prepared, adminiſtered, or expoſed to ſale, or kept for that purpoſe; and the examiners of all ſuch drugs and medicines as ſhall be found therein, within the city of Dublin, or liberties thereof, or within ten miles circuit thereof. Viſitors of ſhops.

(2) And the ſaid two apothecaries returned by the corporation of apothecaries, and approved of by the ſaid college of phyſicians, ſhall be aſſiſtants to the ſaid four phyſicians, in the execution of the powers herein after granted by this act, which ſaid four inſpectors and examiners, with the ſaid two aſſiſtant apothecaries, ſhall ſerve for one year only, and not be liable to be appointed again for three years after, without their own conſent. Aſſiſtant apothecaries.

VI. *ſect.* 6. It ſhall be lawful for the ſaid preſident, cenſors, and fellows of the ſaid college of phyſicians, to ſummon before them the four members of their body, appointed inſpectors and examiners, and the ſaid two apothecaries, appointed aſſiſtants as aforeſaid, and to adminiſter to each of them, the following oath. Swearing inſpectors, &c.

I A. B. *do ſolemnly and ſincerely promiſe and ſwear, that I will, to the beſt of my knowledge, ſkill, and judgment, without hatred or evil will, without partiality, affection, favour or fear, juſtly, equally, and faithfully diſcharge the truſt, and execute the powers veſted in me by an act*, entitled, *an act for preventing frauds and abuſes in the vending, preparing, and adminiſtering drugs and medicines.* The oath.

So help me God.

VII. *ſect.*

Times for inſpecting ſhops.

VII. *ſect.* 7. The ſaid examiners, or any two of them, with the ſaid aſſiſtant apothecaries, or one of them, are required, four times at leaſt in the year, or oftener, if they ſhall ſee occaſion, in the day-time, to enter and inſpect every ſhop, &c. or other repoſitories, appertaining to apothecaries, chymiſts, druggiſts, &c. and therein ſtrictly to ſearch for, and to examine the nature and quality of every kind of drug, ſimple or compound medicine, or chymical preparation, to be uſed for medicine as aforeſaid.

Condemning bad drugs.

(2) And in caſe the ſaid examiners ſhall find, in ſuch ſearch and inſpection, any kind of drug, ſimple or compound medicine, or chymical preparation, which, to the beſt of their judgments, ſhall appear unſound, corrupt, adulterated, or unfaithfully, diſhoneſtly, or unſkilfully compounded, or otherwiſe prepared, ſo as to be rendered unwholeſome or unfit to be uſed as medicine, every drug and medicine by the ſaid examiners adjudged corrupt or defective, to condemn and ſeize, and ſee burned, or otherwiſe totally deſtroyed, by the beadle of the ſaid college, or any other perſons, by the examiners, appointed for that purpoſe.

Appeal from inſpectors.

VIII. *ſect.* 8. In caſe the ſaid examiners, or the major part of them, ſhall condemn any drugs or medicines, as unfit to be uſed in medicine, and that the owners or poſſeſſors of ſuch drugs or medicines, or in his abſence the perſon having the cudody or chief care thereof, ſhall before the burning or deſtroying thereof, inſiſt that the ſame ought not to be burned or deſtroyed, and ſhall forthwith by writing under their hands, appeal to, and deſire the judgment of the ſaid college of phyſicians in Dublin, in ſuch caſe, the ſaid examiners ſhall cauſe the ſaid drugs or medicines, ſo ſeized, to be weighed, and with the boxes, pots, glaſſes, or other veſſels containing the ſame, and the reaſons, in writing, for condemning thereof, ſubſcribed by each of the ſaid examiners condemning the ſame, to be then and there put into a box, and ſealed with their reſpective ſeals of each of the ſaid examiners, and the ſeal of the perſons ſo inſiſting, if ſuch perſons ſhall think fit to put their ſeal thereto, which box, ſo ſealed, the examiners ſhall commit to the cuſtody of the beadle of the ſaid college, where it ſhall remain for any time, not exceeding fourteen days, within which time the preſident of the college of phyſicians ſhall ſummon an aſſembly, or meeting of the cenſors, and members of their college in the uſual manner of ſummoning ſuch aſſemblies, whereof the owner or poſſeſſor of the ſaid condemned drugs and medicines, ſhall have four days notice in writing, to be given or left for the perſons, by or for whom ſuch appeal was made, at the place where the condemned drugs or medicines were found, that they may attend the ſaid meeting, if they ſhall think fit.

Authority to determine appeals.

(2) And the preſident, cenſors, and fellows, ſo aſſembled, ſhall have authority, being no leſs in number than five, excluſive of the ſaid examiners, to open ſuch box, in the preſence of the perſons, by, or for whom ſuch appeal was made, if they ſhall there appear; and in default of their appearance (due notice being given as aforeſaid) then, without them, and to proceed to examine, and finally determine concerning ſuch drugs and medicines, and if the ſaid preſident and aſſembly, being not leſs in number than as aforeſaid, or the major part thereof, confirm the judgment of the ſaid examiners, then the ſaid examiners, ſhall cauſe all ſuch drugs and medicines, ſo condemned, and veſſels containing the ſame, to be publickly burned, or otherwiſe deſtroyed, before the doors of the perſons in whoſe ſhop, elaboratory, warehouſe, or room, the ſame were found, in ſuch manner, and at ſuch time, as the ſaid examiners ſhall direct; provided the ſaid preſident, cenſors, and fellows, ſhall firſt take the

the oath herein before preſcribed, which the preſident is hereby required to take, and impowered and required to adminiſter.

IX. *ſect.* 9. In caſe the drugs or medicines ſeized by the examiners, ſhall not be condemned within fourteen days, by the ſaid aſſembly of preſident, cenſors, and fellows, or ſhall be deemed ſound and good, and meet to be adminiſtered as medicines, ſaid drugs and medicines ſhall be immediately returned to the owner, together with the veſſels wherein the ſame are contained, without waſte or other damage. Returned to the owners.

X. *ſect.* 10. In caſe any apothecary, chymiſt, druggiſt, &c. ſhall preſume to obſtruct or moleſt the ſaid examiners, or their aſſiſtants, or beadles, or other ſervants, in the execution of this act, every ſuch offender in this caſe, ſhall forfeit for every ſuch offence, twenty pounds. Obſtructing examiners.

XI. *ſect.* 11. It may be lawful for the ſaid preſident, cenſors, and fellows of the college of phyſicians for the time being, to publiſh a *Code*, or *Pharmacopoeia*, containing a catalogue of ſuch drugs, or ſimple medicines, as they ſhall judge neceſſary for the preſcriptions or uſes of phyſicians and chirurgeons, with forms and rules for preparing and compounding the ſame, as they ſhall judge fit for the practice of phyſick and chirurgery, directing not only the form and manner, but the various veſſels, and other utenſils, and the materials of which ſuch veſſels or utenſils ſhall be reſpectively made, as alſo the meaſures, weights and ſcales, by which all ſuch medicines, drugs, preparations, and compoſitions ſhall be ſold, which *Code*, or *Pharmacopoeia*, ſhall be followed and obſerved by every apothecary, chymiſt, druggiſt, &c. Catalogue of drugs, &c.

XII. *ſect.* 12. If any apothecary, chymiſt, or druggiſt, &c. ſhall preſume to make, prepare, compound, diſpenſe, or ſell any other officinal preparations or compoſitions, or make up any extemporaneous preſcription of any phyſician or chirurgeon, by any other form or rule, in any other utenſils, or by any other meaſures or weights, than ſhall be ſo appointed by the ſaid college of phyſicians, ſuch offender ſhall forfeit for every ſuch offence, ten pounds, unleſs where the contrary is or ſhall be directed by ſome regular practitioner, and that for his own private uſe ſolely. Penalty on apothecaries.

XIII. *ſect.* 13. The aforeſaid examiners ſhall examine the ſeveral utenſils, meaſures, ſcales and weights, in every place where any kind of drugs or medicinal preparations or compounds are ſold, prepared, or compounded for ſale, expoſed to ſale, or kept for that purpoſe, and ſeize or deſtroy all ſuch, as they ſhall find contrary to the directions of the ſaid *Code* or *Pharmacopoeia*, or otherwiſe defective or unlawful, ſaving to the delinquent the benefit of an appeal to the college of phyſicians, as in the caſe of condemned drugs, &c. Seizing utenſils.

XIV. *ſect.* 14. This act ſhall not be conſtrued to extend to any merchant adventurer, who ſhall import ſimple drugs or medicines for ſale, and does not prepare, compound, or retail the ſame. Merchants importing.

XV. *ſect.* 15. It ſhall be lawful for the chief magiſtrate of every city, borough, or town-corporate, unleſs they happen to follow the occupation of an apothecary, chymiſt, or druggiſt, in any of their branches, and then, for the ſheriffs of any city, or any two juſtices of the peace of any city, or for any two juſtices of the peace of a county, who live neareſt to any borough or town, whoſe chief magiſtrate happens to follow the buſineſs of an apothecary, chymiſt, or druggiſt, or in the towns where no magiſtrate reſides, to ſummon any two or more doctors of phyſick, graduates of Oxford, Cambridge, or Edinburgh, or any other univerſity of Great Britain, Leyden, or Dublin, or licentiates of the Chief-magiſtrates, &c. to ſummon phyſicians.

King and Queen's College of Phyſicians in Ireland, and to adminiſter to each of them the examiners oath, herein before mentioned.

Inſpecting ſhops.

(2) Which phyſicians, ſo ſummoned or ſworn, being no leſs than two, with the chief magiſtrate of the city or town, ſhall have authority to ſearch and inſpect every ſhop, ſtore or warehouſe, elaboratory, or other repoſitory of every apothecary, chymiſt, and druggiſt, &c. and to examine all ſuch drugs and medicines, together with all the utenſils, meaſures, ſcales and weights, and to ſeize and deſtroy all ſuch drugs and medicines, utenſils, ſcales and weights, they ſhall find, and adjudge unſound, adulterate, corrupt, unwholſome, defective, or otherwiſe unlawful.

Appeal to the College.

(3) Saving to the party the benefit of an appeal to the College of Phyſicians: and in caſe the owner of any drug or medicine, or the perſon acting for him in his abſence, ſhall appeal to the College of Phyſicians, a ſample of the drug or medicine ſo condemned, under the hand and ſeal of the examiners, as well as the owners, if they ſhall think proper, ſhall be ſent with all convenient ſpeed, by the chief magiſtrate preſent at ſuch examination and condemnation, to the College of Phyſicians in Dublin, who ſhall finally determine the ſame.

Burning medicines.

(4) And in caſe the College of Phyſicians ſhall confirm the judgment of the ſaid examiners, it ſhall be lawful for the chief magiſtrate to burn, or otherwiſe deſtroy the reſt of the drugs and medicines ſo ſeized, at the offender's door, upon a market day, and alſo to oblige the offender to pay for the carriage of the ſaid ſample, and appeal to the College of Phyſicians, any ſum, not exceeding forty ſhillings; but in caſe the college of Phyſicians ſhall not affirm the judgment of the ſaid examiners, on the condemnation of any drug or medicine, then, within twenty four hours after the judgment of the College of Phyſicians ſhall be known, the chief magiſtrate ſhall publickly reſtore the drugs and medicines ſo condemned and ſeized, without waſte or damage.

Returns of examiners.

XVI. *ſect.* 16. The ſeveral examiners ſhall make due returns after every exerciſe of the powers veſted in them, to the preſident, cenſors, and fellows of the College of Phyſicians in Dublin, ſetting forth the name and place of abode of every apothecary, chymiſt, druggiſt, or other perſon whoſe ſhop, &c they have viſited and examined, together with the ſtate and condition of the drugs and medicines in every ſuch ſhop, &c. and how the ſame are furniſhed as well with drugs and medicines, as with utenſils and lawful meaſures, ſcales, and weights, as alſo the ſtate and condition of ſuch drugs and medicines, as they have been called to examine, in the hands of importers or merchants.

Subſtituting medicines.

XVII. *ſect.* 17. No apothecary, chymiſt, druggiſt, &c. ſhall after the commencement of this act, ſell any drug or medicine in the place or ſtead of another, without informing the buyer thereof of the change, and the reaſon or neceſſity for ſo doing, giving the ſame in writing, if demanded.

Penalty of ſubſtituting.

XVIII. *ſect.* 18. No apothecary, chymiſt, druggiſt, &c. ſhall preſume to ſubſtitute any one ingredient for another, or to omit or leave out any one ingredient in any officinal or other compoſition or other extemporaneous preſcription, without the approbation or leave of the College of Phyſicians in Dublin, or of the immediate preſcribers of ſuch compoſition, or extemporaneous preſcription in Dublin, or elſewhere, or without ſignifying on the cover or label of ſuch medicine, the omiſſion or ſubſtitute, and the reaſon or neceſſity for making the ſame, under the penalty of forty ſhillings for every ſuch impoſition, omiſſion, or ſubſtitute, proved by the confeſſion of the

the party, or by the oath of one credible witneſs, before the chief magiſtrate of the town where ſuch offence ſhall be committed, or before the next juſtices of the peace, or going judge of aſſize, where no other civil magiſtrate ſhall happen to be reſident.

Manner of preſcribing.

XIX. *ſect.* 19. Every phyſician, chirurgeon, or other perſon, who ſhall take upon them to preſcribe internal or external remedies for the health of man's body in this kingdom, ſhall hereafter write or ſet down the quantities of every medicine or ingredient, whether ſimple or compound, which they ſhall preſcribe in any receipt, formula, or preſcription, in words at length, and not in chymical or numeral characters, under the penalty of forty ſhillings for every ſuch omiſſion.

Subſcribing preſcriptions.

XX. *ſect.* 20. Every phyſician, chirurgeon, or other perſon taking upon them to preſcribe medicines, whether for internal or external uſe, or application for the health of man's body, ſhall preſcribe every ſuch preſcription with his name or ſurname, or the initial letters of his name and ſurname, and with thoſe alſo of his profeſſion, whether phyſician or chirurgeon, and if a phyſician, with the name, or the initial letter of the name of the univerſity or univerſities of which he is a doctor, or other graduate in phyſick, under the penalty of forty ſhillings for every omiſſion, unleſs he be a fellow of the Royal College of Phyſicians, in which caſe the initial letters of his name alone may be ſufficient.

Arſenical preparations.

XXI. *ſect.* 21. After the commencement of this act, no apothecary, chymiſt, druggiſt, &c. ſhall keep, handle, powder, or otherwiſe prepare, weigh, meaſure, or ſell, expoſe to ſale, or keep for that purpoſe any arſenick, whether white or yellow, orpiment, or red arſenick, or realgar, or or any other arſenical preparation or compoſition in the ſame ſhop, elaboratory, ware, or ſtorehouſe, cellar, vault, room or rooms, or other place or places, or repoſitories of what denomination or kind whatſoever, or in any mortar, meaſure, or ſcales where any drug, ſimple or compound medicine, chymical, or other preparation to be uſed as medicines for the health of man's body, are kept, handled, diſpenſed, powdered, prepared, meaſured, weighed, ſold, expoſed to ſale, or kept for theſe purpoſes under the penalty of five pounds for every ſuch offence, or repetition or continuance of ſuch offence.

Diſguiſing medicines.

XXII. *ſect.* 22. No apothecary, chymiſt, druggiſt, &c. ſhall henceforth preſume to tinſel over, cover, or otherwiſe diſguiſe, or mix with any electuary, bolus, pill, powder, or other drug or medicine, any leaves, powders, or other preparations of copper or braſs, called Dutch metal, Dutch leaves, or Dutch gold, or under whatſoever denomination they may be known or called, under the penalty of forty ſhillings for every ſuch offence.

Recovery of penalties.

XXIII. *ſect.* 23. All the penalties inflicted by this act may be ſued for and recovered in a ſummary way, before the lord mayor and recorder of the city of Dublin, or the mayor, or other chief magiſtrate, and recorder of any other city or town corporate, where ſuch offences ſhall be committed, who are hereby authorized to hear and determine the ſame, and to levy ſuch penalties by diſtreſs and ſale of the offender's goods, returning the overplus to the owner (if any be) the charges of taking and diſpoſing of the goods ſo diſtrained, being firſt deducted; one moiety of which penalties, when recovered, ſhall be applied to the College of Phyſicians in Dublin, and by the chief magiſtrate and examining phyſicians in other cities and towns cor-

porate, for the purchaſing medicines for the uſe of the poor, and the other moiety thereof for the uſe of the informer.

General iſſue. XXIV. *ſect.* 24. If any perſon ſhall be ſued or proſecuted for putting in execution any authority given by this act, ſuch perſons may plead the general iſſue, and give this act and the ſpecial matter in evidence.

Continuance. XXV. *ſect.* 25. This act is to be a publick act, and ſhall be judicially taken notice of, and allowed as ſuch, by all judges and juſtices whatſoever, without ſpecially pleading the ſame, and ſhall continue in force for three years, and from thence to the end of the then next ſeſſion of parliament, and no longer.

1 Geo. 3. c. 14. to 24 June 1774, &c. XXVI. *Stat.* 11 *Geo.* 3. *cap.* 2. *ſect.* 6. An act 1 *Geo.* 3. *cap.* 14. revived and continued until 24 June 1772, and to the end of the then next ſeſſion.

1 G. 3. c. 14. continued to 24 June 1774, &c. XXVII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *ſect.* 10. An act 1 G. 3. for preventing frauds and abuſes in drugs and medicines, ſhall continue in force until 24 June 1774, and to the end of the then next ſeſſion.

1 G. 3. c. 14. continued to 24 June 1781, &c. XXVIII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 41. *ſect.* 3. An act the firſt of his preſent majeſty, *for preventing frauds in drugs and medicines*; continued to the 24th of June 1781, and to the end of the then next ſeſſion, and no longer.

1 G. 3. c. 14. continued to 24 June 1783, &c. XXIX. *Stat.* 15 & 16 *Geo.* 3. *cap. ſect.* 32. *ſect.* 1. An act the firſt of his preſent majeſty, *for preventing frauds in drugs and medicines*, continued in force to the 24th of June 1783, and to the end of the then next ſeſſion.

1 G. 3. c. 14. continued to 24 June 1787 and end of next ſeſſion. XXX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 7. An act firſt of his Majeſty, *for preventing frauds in vending and adminiſtering drugs and medicines*, continued by ſeveral acts, further continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and end of then next ſeſſion.

Dublin.

New rules. I. *Stat.* 17 & 18 *Car.* 2. *cap.* 2. *ſect.* 37. *Authority is given to the chief governors and council to eſtabliſh rules for the better regulating cities*, &c. (See Tit. Corporations.) *under which powers the following rules and orders were made for the better regulating the corporation of the city of* Dublin.

Election of officers. First, Upon all elections to be made of perſons to ſerve in the offices of lord mayor, ſheriffs, recorder, or town clerk of the ſaid corporation, the names of the perſons elected ſhall be by the ſaid corporation, within ten days after ſuch election, preſented to the lord lieutenant or other chief governors and the privy council of this kingdom to be approved of by them.

Approbation of elections. (2) And no perſons elected ſhall be capable of ſerving in the ſaid offices until they ſhall be reſpectively approved of by the lord lieutenant or chief governors and privy council by order under their hands.

New election. (3) And in caſe the perſons or any of them whoſe name ſhall be ſo preſented, ſhall not be ſo approved of within ten days after their names ſhall be preſented, the ſaid corporation ſhall proceed to a new election of fit perſons for the ſaid offices for which the perſons ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names, &c. until they ſhall have choſen

ſuch

ſuch perſons for the ſaid offices as ſhall be approved of as aforeſaid. And the election of the lord mayor, ſheriffs and treaſurer of the city of Dublin ſhall be only by the lord mayor and aldermen of the ſaid city, there being always eight aldermen preſent at ſuch election, and no other perſons ſhall have any vote in the election of the ſaid officers.

Account of revenues.

II. Secondly, The treaſurer, ſheriffs, and receivers of any part of the revenues of the ſaid city yearly, within ſix months after the expiration of one whole year, wherein they ſhall ſerve in the execution of their reſpective offices, ſhall render unto the auditors of the ſaid city or uſual *quorum* of them, a true account of all money, being any part of the revenues of the ſaid city, received by them within that year wherein they ſhall ſerve in the execution of their reſpective offices.

Payment of balance.

(2) And ſhall alſo pay unto the treaſurer of the ſaid city ſuch monies as ſhall appear upon ſuch account to be due from them reſpectively, upon pain of being diſfranchiſed by the lord mayor and aldermen of the ſaid city, or uſual *quorum* of them, who are required to diſfranchiſe ſuch perſons neglecting to account and pay as aforeſaid.

Neglecting to diſfranchiſe.

(3) And in caſe the ſaid lord mayor and aldermen ſhall neglect to diſfranchiſe ſuch perſons, then the ſaid perſons, ſo neglecting to account and pay, to be diſfranchiſed by the lord lieutenant or other chief governors and council, and to be from thenceforth incapable without their licence of being reſtored to their freedoms; and alſo liberty is hereby given to take ſuch further courſe againſt ſuch perſons as ſhall be agreeable to law, and to the charters, cuſtoms and conſtitutions of the ſaid city.

Oaths to be taken.

III. Thirdly, No perſons elected either lord mayor, recorder, ſheriffs, treaſurer, aldermen, town clerk, or of the common council of the ſaid city, or maſter or wardens of any of the corporations or guilds within the ſaid city, ſhall be capable of holding or exerciſing any of the ſaid offices until they ſhall have taken the oath of ſupremacy and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion into the ſaid reſpective offices.

Adminiſtering the oaths.

(2) The ſaid oaths to be taken before ſuch perſons as ſhall admit them to the ſaid ſeveral offices, and upon any ſuch perſons refuſal to take the ſaid oaths, the election of ſuch perſons into any the ſaid offices is declared to be void.

The oath of ſupremacy is abrogated, and other oaths appointed to be taken inſtead of it, (See Tit. **Oaths.**) *and another oath, commonly called the little oath, required to be taken by this rule is aboliſhed by* Stat. 4 Geo. 1. cap. 3. *See Tit.* **Corporations.**

Common council.

IV. Fourthly, The common council of the ſaid city ſhall conſiſt of the lord mayor and twenty four aldermen, who or any eight of the ſaid aldermen with the lord mayor ſhall ſit apart by themſelves, and alſo of the ſheriffs of the ſaid city who are to preſide amongſt the reſt of the common council of the ſaid city as hath been formerly accuſtomed, and alſo of ſuch who are commonly called ſheriffs peers, not exceeding forty eight perſons, and of ninety ſix other perſons to be choſen out of the ſeveral guilds or corporations of the ſaid city, from which they have been formerly choſen, which ſhall enjoy their places of common council men only for three years from the time of their elections.

Returns by the corporations.

(2) And the ſeveral guilds or corporations out of which any perſons are to be uſually choſen to be of the common council ſome time within every month of

of November, which ſhall be at the end of every three years, ſhall elect and nominate double the number of perſons uſually choſen out of each ſuch guild or corporation into the common council of this city, and by the maſters and wardens of each corporation, ſhall ſome time within ſuch month of November preſent the names of the perſons ſo elected to the lord mayor, who is required in the preſence of one of the ſheriffs and eight of the aldermen, before the twenty fourth day of December then next enſuing, to elect out of the perſons whoſe names ſhall be ſo preſented, the number of perſons uſually ſerving in the common council of the ſaid city for each corporation, which perſons ſo preſented and elected, ſhall be by virtue of that election for three years enſuing, and no longer, of the common council of the ſaid city.

Death or removal.

(3) And in caſe any of the ſaid perſons ſhall die, or for any lawful cauſe be removed, during the ſaid three years, the corporation out of which ſuch perſon was elected ſhall forthwith preſent two other perſons to the lord mayor, out of whom the lord mayor, in the preſence of one of the ſheriffs and eight of the aldermen ſhall chooſe one who ſhall ſerve in the common council of the ſaid city during the remainder of the three years, for which ſuch perſon ſo dying or removed ſhould have ſerved therein.

Aſſemblies of the city.

(4) And all perſons ſo to be nominated, preſented and elected from three years to three years, or in the place of any perſon ſo dying, with the ſaid ſheriffs peers, or the greater number of them that ſhall be aſſembled, ſo as there be always forty of them preſent, and they only are authorized to ſit, vote, and act in the general, quarter, and other aſſemblies, as the commons of the ſaid city.

Neglecting to make returns.

(5) And in caſe any of the ſaid corporations ſhall neglect within the times above limited to elect and nominate the perſons above mentioned, or that the maſter and wardens of any of the ſaid corporations ſhall fail to return the names of the perſons by them to be preſented, in ſuch manner and at ſuch times as is above appointed, or any of the perſons ſo nominated, preſented or elected, ſhall refuſe to ſerve as members of the ſaid common council, the lord mayor and aldermen of the ſaid city or uſual *quorum* of them, are required ſome time after the laſt day of November, and before the twenty fourth day of December, which ſhall be at the end of every three years, to elect out of the corporations or guilds ſo failing, ſuch number of perſons as hath been accuſtomed to ſerve for ſuch guild or corporation in the common council of the ſaid city.

Election by the lord mayor, &c.

(6) And ſuch perſons ſo elected by the lord mayor and aldermen are appointed to be of the number of the common council of the ſaid city for three years next enſuing ſuch election, all the ſaid perſons ſo elected to be of the common council of the ſaid city, firſt taking the oaths hereby appointed to be adminiſtered unto them, which oaths the lord mayor is required to adminiſter unto them.

Acting without election.

(7) And if any perſon pretending himſelf to be one of the commons of the ſaid city, ſhall preſume to ſit and vote as a commoner, before he ſhall be elected in manner aforeſaid, he ſhall thereupon immediately be diſfranchiſed by the lord mayor and aldermen of the ſaid city, or the uſual *quorum* of them.

Number of the commons.

(8) Provided that this rule ſhall not debar the lord mayor, aldermen, and common council of this city, from exerciſing the power that they have formerly uſed of altering the number of common council men uſually ſerving for any corporation, and of diſtributing the ſame amongſt any other corporations

porations that are or ſhall be in this city, ſo as the whole number of perſons to be choſen out of all the ſaid corporations do not exceed ninety ſix perſons, and ſo as all the ſaid perſons be preſented and elected as is above mentioned.

Foreigners and aliens.

V. *Fifthly*, All foreigners and aliens, as well others as proteſtants, who ſhall be merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any trade, or in the working any manufacture, or in navigation, who ſhall come into the ſaid city with intent there to inhabit, ſhall upon requeſt made, and upon payment down, or tender of twenty ſhillings by way of fine, unto the lord mayor and common council, or other perſons authorized to admit freemen in the ſaid city, be admitted a freeman of the ſaid city, and if they ſhall deſire it, of any guild or fellowſhip of any trade within the ſame, during their reſidence for the moſt part and their families conſtant inhabiting within this kingdom, and ſhall have all privileges of trading, working, &c. as any freeman of the ſaid city have by virtue of their freedom; and perſons who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be denizens within this kingdom.

Taking the oaths.

VI. Provided that ſuch ſtrangers, artificers, and others, ſhall take the oath of allegiance, and ſuch other oaths as are accuſtomably taken by freemen or members of the ſaid city, or by the members of any ſuch guild or fellowſhip of the trade which they ſhall exerciſe, in caſe they ſhall deſire to be incorporated into any ſuch guild as aforeſaid, and ſhall pay ſuch charges as all freemen his Majeſty's ſubjects of the like trade uſed to pay.

Refuſing to admit,

(2) And if the lord mayor and common council, or other perſons authorized as aforeſaid, or any maſter, warden or other governor of any ſociety or trade within the ſaid city, ſhall refuſe to admit any ſuch ſtranger, being a maſter, artificer, or ſeaman, to be a freeman of the ſaid city, or to be a member of any ſociety, &c. within the ſame; all perſons ſo refuſing to admit ſuch ſtrangers, ſhall upon complaint and due proof made of ſuch refuſal, before the lord lieutenant, or other chief governors, and council, be, by their order diſfranchiſed, and from thenceforth incapable, without their licenſe, of being a freeman or member of the ſaid city.

diſfranchiſement.

Tender of fine.

(3) And every ſuch ſtranger, &c. upon tender by him made of twenty ſhillings by way of fine, and taking the oath of allegiance before any juſtice of peace of the county of Dublin, ſhall thereupon be deemed a freeman or member of the ſaid city, and of the ſociety of any trade, where they ſhall be denied admiſſion as aforeſaid, and from thenceforth have the privilege of trading, &c. as if he had been admitted a freeman of the ſaid city, or member of ſuch trade, taking the uſual oaths of ſuch freemen or members, which oaths any one juſtice of peace of the county of Dublin ſhall have power to adminiſter, and paying all ſuch charges as aforeſaid.

Interrupting ſtrangers.

(4) And in caſe any perſon ſhall give any interruption to any ſuch ſtranger to the hindering him in his trading, contrary to the intent hereof, all perſons ſo offending, ſhall upon like complaint and proof made of their offence therein, before the lord lieutenant, or other chief governors and council, be by their order diſfranchiſed, and from thenceforth incapable, without their licenſe, of being a freeman or member of the ſaid city.

Inrollment of the rules.

Theſe rules for ever hereafter to continue in force within the ſaid city of Dublin, and within the corporations thereof. And the ſame ſhall be forthwith inrolled in the chancery.

Given

Given at the council chamber in Dublin, the four and twentieth day of September, 1672.

Common council.

VII. *Stat.* 33 *Geo.* 2. *cap.* 16. *ſect.* 1. The common council of the city of Dublin, conſiſting of the lord mayor and twenty four aldermen, ſitting by themſelves as heretofore, and alſo of the ſheriffs for the time being, and ſheriffs peers, not exceeding forty eight, and of ninety ſix freemen, who are to be elected out of the ſeveral guilds or corporations of the ſaid city, in manner herein after mentioned, ſhall be the common council of the ſaid city, and the repreſentative body of the corporation thereof.

Double returns.

VIII. *ſect.* 2. The ſeveral guilds of the ſaid city, inſtead of electing and returning double the number of perſons uſually ſerving for each guild in the common council as heretofore practiſed, ſhall for the future, elect the number of perſons, and no more, which each guild are intitled to have as their repreſentative in the ſaid common council, and ſhall in the uſual manner and time, preſent the names of the perſons ſo elected to the lord mayor, and the perſons ſo elected and returned, ſhall under the reſtrictions herein after mentioned, be of the common council for the ſpace of three years.

Refuſing or neglecting to return.

IX. *ſect.* 3. If any maſter or wardens of any of the ſaid guilds ſhall refuſe or wilfully neglect to return the names of the perſons choſen by the reſpective guilds, to ſit in the common council within the accuſtomed time, upon complaint to the common council, and due notice given to the perſons complained of, and it appearing upon due proof to them, that ſuch neglect was wilfully committed, the common council ſhall immediately disfranchiſe ſuch maſters, &c. who ſhall have appeared to have wilfully neglected to make ſuch returns as required.

Returns by the clerk.

(2) And in caſe of refuſal or neglect, by the maſter, *&c.* to make ſuch returns, the clerk of the ſaid guild ſhall return the names of the perſons ſo choſen, which ſhall be as valid as if the ſame had been made by the maſter, *&c.* And in caſe ſuch clerk ſhall refuſe or neglect, upon application, to make ſuch return, ſuch clerk ſhall in like manner be disfranchiſed, and for ever after incapable of holding the ſaid office, or any other office within the ſaid city.

New maſters and clerks.

(3) And in caſe not only the maſter, &c. but alſo the clerk of any of the ſaid guilds, ſhall neglect to make ſuch returns within the accuſtomed time, it ſhall be lawful for the ſaid guild, upon ſuch wilful neglect or refuſal, appearing to them within ſix days after the expiration of the accuſtomed time of making ſuch returns, to appoint new maſters, or wardens, and clerk, and a return ſo made within ſix days, by ſuch new maſter, &c. ſhall be as good as if the ſame had been made by the former maſters, &c. within the accuſtomed time.

Qualification to be elected.

X. *ſect.* 4. Provided that no perſons ſhall be elected, or capable to ſerve in the common council of the ſaid city, unleſs ſuch perſons ſhall at the time of ſuch election follow the buſineſs or trade of ſuch guild or corporation for which they ſhall be ſo elected, as their publick trade or occupation, or ſhall have ſerved an apprenticeſhip to ſuch trade, &c. or ſhall have followed the ſame for five years, ſave only for the guild of merchants; and as to the ſaid guild, the repreſentatives thereof, in the common council of the ſaid city, ſhall be merchants or traders.

XI. *ſect.*

XI. *ſect.* 5. Provided that no perſon ſhall be at liberty to vote for commons to be of the common council of the ſaid city, in any other corporation than that in which they were firſt made free. Voting for commons.

XII. *ſect.* 6. The lord mayor, ſhall, between the laſt day of November and 24th of December, which ſhall be at the end of every three years, to be computed from the 24th of December, 1759, convene the common council of the ſaid city, which common council ſo convened, are impowered finally to determine all differences touching the qualification, return, &c. of the ſeveral perſons who ſhall be elected, &c. to ſerve as the repreſentatives of the ſaid corporations in the common council for three years then next enſuing. Determining diſputes.

(2) And if any complaint ſhall be made by any freeman of the ſaid city, to the lord mayor, of the diſqualification or undue return of any common council man elected upon any occaſional vacancy, the lord mayor is thereupon, without delay, to convene the common council, who are finally to determine the ſame. Complaints of undue returns.

XIII. *ſect.* 7. Provided that for the purpoſe of determining ſuch elections and returns, the ſaid lord mayor, aldermen, and commons ſhall ſit together, but upon no other occaſion. Sitting together.

XIV. *ſect.* 8. The common council of the ſaid city ſhall exerciſe the power which they formerly uſed, of altering or changing the number of common council men uſually ſerving for any corporation, and diſtributing the ſame amongſt any other corporations which are, or ſhall be, in the ſaid city, ſo as the whole number of perſons to be choſen out of all the guilds, &c. of the ſaid city, do not exceed the number of ninety ſix perſons. Altering numbers.

XV. *ſect.* 9. The commons of the common council of ſaid city ſhall, at the uſual time of electing ſheriffs for ſaid city, nominate eight freemen of ſaid city, reſident within the ſaid city, or the liberties thereto adjoining, each of them worth in real or perſonal eſtate in poſſeſſion, two thouſand pounds, over and above all his juſt debts, as fit perſons to ſerve in the office of ſheriffs of ſaid city, and ſhall return the names and additions of ſuch perſons ſo nominated by them, to the lord mayor and aldermen of the ſaid city, who, or the uſual *quorum* of them, ſhall elect two perſons out of the ſaid eight perſons ſo returned, who ſhall ſerve in the ſaid office, and be the ſheriffs of the ſaid city for the enſuing year, to be computed from the uſual time of entering upon the ſaid office. Nomination of ſheriffs.

(2) And in caſe any perſons ſhall die within the year for which he or they ſhall be elected to ſerve in the ſaid office of ſheriff, or ſhall reſign, or be removed from ſaid office, then, and as often as ſuch vacancy ſhall happen, the commons of the common council of ſaid city, ſhall, within the uſual time of filling ſuch vacancy, nominate four freemen of the ſaid city, ſo qualified as aforeſaid for every ſuch vacancy, and ſhall return the names and additions of ſuch four perſons to the lord mayor and aldermen of the ſaid city, who, or the uſual *quorum* of them, ſhall elect one thereout to ſerve in the ſaid office, during the time the perſon, in whoſe room he ſhall be ſo elected, ought to have ſerved therein. Death or removal.

XVI. *ſect.* 10. As often as any alderman of the ſaid city ſhall die, reſign, or be removed from the office of alderman, the lord mayor and aldermen of the ſaid city, or the uſual *quorum* of them, ſhall within the uſual Aldermen dying or reſigning.

time of filling ſuch vacancy, nominate four perſons from among the ſheriffs peers of the ſaid city, as fit perſons to ſerve in the office or place of alderman of the ſaid city, and ſhall return the names and additions of ſuch four perſons ſo nominated, to the commons of the common council of the ſaid city, who ſhall elect one of the ſaid four perſons to be alderman, and the perſon ſo elected by the ſaid commons, ſhall be the perſon to fill up ſuch vacancy, and ſhall accordingly be ſworn into office.

Election of lord mayor.

XVII. *ſect.* 11. The name of every perſon who ſhall be elected by the lord mayor and aldermen of ſaid city, or the uſual *quorum* of them, to ſerve in the office of lord mayor of ſaid city, ſhall be returned by them to the commons of the common council of ſaid city for their approbation, without which approbation ſuch perſon ſhall not be capable of ſerving in the office or place of lord mayor.

New return to be made.

(2) And if the ſaid commons ſhall reject the perſon ſo returned to them, the lord mayor and aldermen of the ſaid city, or the uſual *quorum* of them, ſhall elect another perſon to ſerve in the office of lord mayor of ſaid city, and ſhall from time to time return the name of the perſon ſo by them elected to the commons of the common council of the ſaid city, for their approbation, and ſo from time to time, until the ſaid commons ſhall approve of the perſon returned by the lord mayor and aldermen of the ſaid city, or the uſual *quorum* of them.

From among the aldermen.

(3) Provided that ſuch election into the ſaid office of lord mayor, ſhall be of ſome perſon from among the aldermen, and that the ſaid commons ſhall approve of ſome one perſon ſo returned to them for their approbation.

Liſt to be poſted up,

XVIII. *ſect.* 12. Within two days next after the election of any perſon into the place of alderman or ſheriff of the ſaid city, the town clerk ſhall cauſe to be poſted up upon the gates or other moſt noted parts of the Tholſel, Four-courts, Parliament-houſe, Trinity-College, and Market-houſe, a liſt fairly written in capital letters, of the names of the ſeveral perſons returned by the lord mayor and aldermen to the commons, as fit perſons to be choſen aldermen; and alſo the names of ſuch perſons as ſhall be returned by the commons to the lord mayor and aldermen, as fit perſons to be choſen ſheriffs, and therein ſhall alſo diſtinguiſh and mention the names of the perſons elected into the reſpective offices, as the caſe ſhall be, by the lord mayor and aldermen, and by the ſaid commons.

And printed in the gazette.

(2) And ſhall alſo on the Saturday next after ſuch poſting up, cauſe the like liſt of names, diſtinguiſhing therein the perſons returned by the lord mayor and aldermen, and the perſons elected by the lord mayor and aldermen, and by the commons, into the reſpective offices, as the caſe ſhall be, to be printed in the Dublin Gazette, and two other publick news-papers, at the expence of the corporation of the ſaid city.

Omitting to aſſemble.

XIX. *ſect.* 13. If either the lord mayor and aldermen, or the commons, ſhall omit to aſſemble within the uſual times for the electing the lord mayor, aldermen, and ſheriffs, or being aſſembled ſhall omit to do what is hereby required to be done for the election of the ſaid officers, then it ſhall be lawful for the commons, in caſe ſuch default ſhall be in the lord mayor or aldermen, or for the aldermen, in caſe ſuch default ſhall be in the commons, or for the uſual *quorums* of them reſpectively, without any ſummons for that purpoſe, to aſſemble themſelves at the Tholſel of the ſaid city on the next following day, not being Sunday,

Sunday, or in caſe the ſame ſhall happen to be a Sunday, then on the Monday next following, and then and there to elect the ſaid officers reſpectively, as the caſe ſhall require, and every ſuch election ſo made ſhall be valid to all intents and purpoſes.

Election by ballot.

XX. *ſect.* 14. Provided, that every election by the ſaid ſeveral guilds for the conſtituting of repreſentatives in the common council, and every election made, or approbation given by the ſaid common council, by virtue of this act, ſhall be by ballot.

Court of Conſcience.

XXI. *ſect.* 15. The juriſdiction of the court of Conſcience, held in the city of Dublin, from time immemorial before the chief magiſtrate of the ſaid city, with the aſſiſtance of the aldermen, ſheriffs, and ſheriffs peers, or one of them, for determining cauſes between party and party under the value of forty ſhillings, is hereby confirmed, the lord mayor ſhall be exonerated from attending upon the ſaid court of Conſcience, during the year in which he ſhall ſerve in the office of lord mayor.

Preſident of the court.

(2) And the perſon who ſhall have ſerved in the office of lord mayor for the next preceding year, ſhall preſide in the court of Conſcience for the ſpace of one year next after he ſhall have ſerved in the office of lord mayor, and ſhall call to his aſſiſtance the aldermen, ſheriffs, and ſheriffs peers, or ſome one of them, as hath been practiſed by the chief magiſtrates of the ſaid city.

Authority of the preſident.

XXII. *ſect.* 16. The perſon who by virtue of this act ſhall preſide in the ſaid court of Conſcience, ſhall exerciſe all the powers, authorities and juriſdictions, and ſhall enjoy all the advantages during the time that he ſhall ſo preſide therein, which the lord mayor heretofore enjoyed in the ſaid court of Conſcience, and in caſe of any occaſional vacancy happening within the year, by the death or reſignation of the perſon preſiding in the ſaid court of Conſcience, ſuch vacancy ſhall be filled up by the ſaid common council.

Time of confinement.

(2) Provided, that no perſon ſhall be longer confined by virtue of any warrants for any debts not exceeding twenty ſhillings, than three calendar months, to be computed from the firſt day of ſuch confinement, and that no perſon ſhall be longer confined by the authority aforeſaid, for any debts exceeding twenty ſhillings, and not exceeding forty ſhillings, than the term of ſix calendar months, to be computed as aforeſaid.

Juſtices for the city.

XXIII. *ſect.* 17. The lord mayor and ſheriffs for the time being, and all and every the aldermen of the ſaid city, ſhall be juſtices of the peace within the ſaid city and liberties thereto adjoining, and the aldermen of the ſaid city for the time being, and each and every of them are authorized to act as juſtices of the peace within the ſaid city and liberties.

Seſſions for the county.

(2) Provided that nothing herein contained ſhall be conſtrued to enable any lord mayor, alderman, or ſheriff, by virtue of this act, to ſit or act as juſtices of the peace, at any ſeſſions to be held for the county of Dublin.

Seſſions for the city.

XXIV. *ſect.* 18. The lord mayor of the ſaid city and two juſtices of the peace, or the recorder of the ſaid city and two juſtices of the peace, ſhall conſtitute and be a ſufficient *quorum* for holding the ſeſſions of the peace for the ſaid city, and impowered to hear and determine all matters and things which the lord mayor of the ſaid city and three juſtices of the peace, or the recorder and three juſtices of the peace, are authorized to hear and determine.

Recorder's office.

XXV. *ſect.* 19. The ſaid recorder ſhall at all times hereafter, be an officer to continue during good behaviour, ſubject to be removed by the ſaid city

upon his being promoted to a judicial office in any of the ſuperior courts of juſtice in this kingdom.

Approbation of the government, &c.

XXVI. *ſect.* 20. Provided, that notwithſtanding any thing in this act contained, no perſon or perſons ſhall be made capable to execute the office or place of lord mayor or ſheriff, recorder or town clerk of the ſaid corporation, until he or they ſhall reſpectively be approved of by the lord lieutenant, or other chief governor or governors, and privy council of this kingdom, in ſuch manner as hath heretofore been uſual.

Corporation to remain.

XXVII. *ſect.* 21. Provided alſo, that the corporation of the city of Dublin ſhall continue the ſame as it was before the making of this act, in all reſpects, ſave only in particulars, matters and things by this act changed, altered, or provided for.

Publick act.

XXVIII. *ſect.* 22. This act ſhall, in all courts and places, be deemed to be a publick act, and ſhall be judicially taken notice of by all judges, juſtices, and courts whatſoever, without ſpecially pleading the ſame.

Money ariſing on purchaſe from eccleſiaſticks by commiſſioners in 31 G. 2. c. 19. lodged in truſtees, laid out in lands, &c. in fee for ſuch eccleſiaſticke and ſucceſſors, *non obſt.*

XXIX. *Stat.* 7 *Geo.* 3. *cap.* 7. *ſect.* 1. In all purchaſes by the commiſſioners (*named in the* 31 *Geo.* 2. *cap.* 19. *amended by* 33 *Geo.* 2. *cap.* 15.) or their ſucceſſors, or any five or more, from any dean, chanter, chanceſſor, treaſurer, prebendary, or other dignitary, parſon, vicar, or other incumbent of a pariſh, of any houſes, building, or ground, to them belonging in right of their reſpective dignities or pariſhes, ſuch purchaſe money ſhall be lodged in one or more truſtee or truſtees, to be appointed by ſuch dignitary, with conſent of the dean and chapter, of which he ſhall be a member, or by ſuch parſon, vicar, or other incumbent with conſent of the patrons of ſuch pariſh, in truſt, after deducting all reaſonable coſts and expences, to be laid out by them or their executors or adminiſtrators in purchaſe of lands, tenements, hereditaments in fee ſimple, for the uſe of ſuch dignitary, parſon, vicar, or other incumbent, from whom ſuch purchaſes ſhall be made, and their ſucceſſors, any ſtatute of mortmain, or any other law, ſtatute, or uſage to the contrary notwithſtanding.

Power to leaſe not above 40 years from making, and to renew,

XXX. *ſect.* 2. After ſuch purchaſe by ſuch truſtees every ſuch dignitary and his ſucceſſors, with conſent of the dean and chapter, and every ſuch parſon, vicar, or other incumbent, with conſent of the patron, may make a leaſe or leaſes, of any of the lands, tenements, hereditaments ſo purchaſed, for any term of years not exceeding forty from the time of making, and renew the ſame in like manner from time to time and for the like term, ſo as no

like rent reſerved,

leſs rent be reſerved to ſuch dignitary or incumbent or ſucceſſors, than was reſerved out of the houſes, buildings or ground purchaſed by ſaid commiſſioners, and ſo as every ſuch leaſe or renewal be regiſtered in like manner, as other the like leaſes by eccleſiaſtical perſons ought to be.

regiſtered.

Bargain and ſale by guardian of infant tenants, inrolled in 6 months,

XXXI. *ſect.* 3. Where infants ſeized of or intitled to eſtate tail in any houſes, buildings, or ground purchaſed by ſaid commiſſioners, the conveyance by bargain and ſale by the guardians to the commiſſioners, acknowledged by ſuch guardians, and inrolled in chancery within ſix months after making, ſhall effectually and abſolutely convey the fee ſimple to the commiſſioners and their ſucceſſors for ever, tho' no fine or recovery be levied or ſuffered, and the money ariſing from ſuch ſale ſhall be paid by ſaid commiſſioners

purchaſe money laid out in lands, &c. to like uſes.

to ſuch guardians in truſt, after deducting the coſts and expences, to be laid out in the purchaſe of lands, tenements, or hereditaments to ſuch uſes, as the

premiſſes

premiſſes ſo purchaſed by ſaid commiſſioners ſtand limited immediately before ſuch bargain and ſale.

XXXII. *ſect.* 4. Until ſuch purchaſes can be conveniently made by ſuch truſtees or guardians, their executors or adminiſtrators, they may place out ſuch purchaſe money or any part at intereſt on government ſecurities, and pay ſuch intereſt from time to time to ſuch perſons, as would be intitled by this act to the yearly profits, if laid out in the purchaſe of lands, tenements, or hereditaments. Till purchaſe placed at intereſt in government ſecurities for thoſe intitled.

XXXIII. *ſect.* 5. Receipts of ſuch truſtees or guardians, or the ſurvivor, or the heirs, executors, adminiſtrators of ſurvivor, under hand and ſeal ſhall be a ſufficient diſcharge to ſaid commiſſioners and their ſucceſſors for ſo much of ſaid purchaſe money, and afterwards ſaid commiſſioners abſolutely acquitted and diſcharged of and from the ſame, and they ſhall not be anſwerable or accountable in law or equity for any loſs or damage by any miſapplication of ſaid purchaſe money or any part. Receipts of truſtees or guardians a diſcharge.

XXXIV. *ſect.* 6. Members of parliament for city of Dublin, ſhall at all times be commiſſioners for carrying ſaid acts into execution, with all ſuch powers as are given to any commiſſioners by any of ſaid acts. Members for Dublin commiſſioners.

XXXV. *ſect.* 7. This ſhall be declared and deemed a publick act, in like manner as the firſt recited act hath been declared to be. A publick act as 31 G. 2. c. 19.

Dublin, Ballaſt-Office.

I. *Stat.* 6 *Ann. cap.* 20. *ſect* 1. It ſhall be lawful for the lord mayor, ſheriffs, commons, and citizens of Dublin, to erect in the ſaid city one office, which ſhall be called the Ballaſt-office of the port of Dublin, that all ſhips which ſhall reſort to the ſaid port may be furniſhed with ballaſt by the ſaid office, and not otherwiſe. Office to be erected.

(2) And the lord mayor, &c. of Dublin, are required to erect ſuch ballaſt-office in ſome convenient place in the ſaid city, to be under the government and direction of the ſaid lord mayor, ſheriffs, commons and citizens, who are hereby conſtituted keepers and conſervators of the port of Dublin, and impowered to make ſuch rules and bye-laws for the well goverment of the ſaid office, and for the cleanſing of the channel, and ſecuring of all ſhips in the ſaid port, as ſhall be approved and confirmed by the lord lieutenant or chief governors of this kingdom, and ſix or more of the privy council. Conſervators of the port.

II. *ſect.* 2. The ſaid lord mayor, &c. of Dublin, ſhall provide a ſufficient number of lighters or gabbards, with workmen, tools, and engines for the raiſing the ballaſt in any part of the channel of the ſaid harbour or river, within the verge of the county of the ſaid city, to the lower part of the bar in the ſaid port, and ſhall furniſh all ſhips within the ſaid port with ballaſt, at the rates herein after mentioned, twenty four hours after notice given by the maſters of the ſhips to the proper officer at the ballaſt-office to be appointed to receive ſuch notification, ſo as wind and weather will permit; and in caſe wind and weather will not then permit, within twelve hours after wind and weather will permit. Gabbards, &c. to be provided.

III. *ſect.* 3. Sunday ſhall not be accounted any part of the twenty four hours, or twelve hours aforeſaid, the ballaſt to be brought to the ſides of the ſhips as ſhall have occaſion for the ſame, and thence immediately thrown into ſuch ſhips by the crew. Sunday not to be accounted.

IV. *ſect.*

Neglecting to caſt out ballaſt.

IV. *ſect.* 4. In caſe the crew of the reſpective ſhips ſhall neglect or refuſe to caſt in or caſt out their ballaſt, ſo as to occaſion any unneceſſary delays therein, the maſter of each ſhip ſhall pay to the maſter of the ballaſt-office, for the damage which the ballaſt-office ſhall ſuſtain, ſuch ſum as the lord mayor ſhall in a ſummary manner finally determine, ſo as that the ſum do in no caſe exceed twelve pence for each hour each lighter ſhall be unneceſſarily detained by the default of the maſter or the crew of ſuch ſhips.

Payment for ballaſt.

V. *ſect.* 5. Every ſhip belonging to Great Britain or to Ireland that ſhall take in ballaſt in or above Salmon Pool, from the ſaid office, ſhall pay twelve pence for every tun ſo delivered, and for each tun delivered below Salmon Pool fifteen pence, and ſhips belonging to foreigners ſhall pay for ballaſt one third part more per tun than what is charged on Britiſh or Iriſh ſhips.

Ballaſt-office duties.

VI. *ſect.* 6. All Britiſh and Iriſh ſhips which ſhall come within the ſaid bar, ſhips in her Majeſty's pay only excepted, ſhall pay unto the ſaid office two pence for every tun ſuch ſhips ſhall be burthen, over and above the money payable for ballaſt, in caſe that they make uſe thereof; and every foreign ſhip coming within the ſaid bar, ſhall pay three pence per tun over and above the ballaſt money, in caſe that they alſo make uſe thereof, which tonnage ſhall be computed by outward gauging of the ſhips, and not otherwiſe, and the maſter of the ballaſt-office, and all officers for that purpoſe appointed, are to make ſuch outward gauge of all ſuch ſhips as ſhall come into or go out of the ſaid harbour, as they ſhall ſee occaſion.

Duties on wherries, &c.

VII. *ſect.* 7. All lighters, gabbards, and wherries, which ſhall be uſually employed in the ſaid port or river below the wooden-bridge in the city of Dublin ſhall pay, and their reſpective owners ſhall be charged with the payment to the ſaid ballaſt-office, for every wherry five ſhillings fine, and five ſhillings per annum during ſuch wherries being kept on the ſaid river, &c. and every gabbard or lighter, other than the lighters belonging to the ſaid ballaſt-office ten ſhillings fine and ten ſhillings per annum, during ſuch gabbards or lighters being kept on the ſaid river, &c.

Clearing ſhips without diſcharge.

VIII. *ſect.* 8. It ſhall not be lawful for the officers of the cuſtom houſe in Dublin, to clear and diſcharge any ſhip outward bound, or to permit any ſhips outward bound to ſail till the maſter thereof ſhall have brought a diſcharge from the maſter of the ballaſt-office, teſtifying ſuch ſhips to have cleared their ballaſt money in caſe they took in ballaſt, and all the duties by this act impoſed, which diſcharge ſhall be granted without fee or delay; in caſe of refuſal or delay, the maſter of the ballaſt-office ſhall forfeit forty ſhillings for every ſuch refuſal or delay to the maſter of ſuch ſhip, to be recovered in a ſummary way before the lord mayor of the ſaid city, and to be levied by diſtreſs on warrant of the ſaid lord mayor, and by ſale of the goods of ſuch maſter of the ſaid office.

Cleanſing the port.

IX. *ſect.* 9. All the money ariſing by this act, incident charges, ſalaries, and neceſſary expences of the ſaid ballaſt-office being firſt deducted, ſhall be employed in amending and cleanſing the ſaid river and port; and in caſe there ſhall be any overplus remaining, the ſame ſhall be applied towards the ſupport of the hoſpital of blue-coat boys in the ſaid city.

Account once in three years.

X. *ſect.* 10. The lord mayor, ſheriffs, commons, and citizens of the city of Dublin, ſhall once in every three years, lay before the lord lieutenant, or chief governors of this kingdom and council, a true account of the annual produce of the ſums of money as aforeſaid charged, and how the ſame have been applied,

applied, which account ſhall be upon oath of the officers concerned in receiving or paying thereof, if they ſhall be thereunto required.

(2) And in caſe the ſaid mayor, &c. ſhall refuſe or neglect to account according to this act, for every ſuch refuſal or neglect they ſhall forfeit one hundred pounds, to be recovered by any perſon who ſhall ſue for the ſame in the Queen's bench, common pleas, or exchequer, by bill, plaint, or information, in which no eſſoign, &c. ſhall be allowed, and the ſame ſhall be tried by a jury of the county of Dublin, one half thereof to be given to the informer, and the other half to the uſe of the poor houſe near the ſaid city. Penalty of neglect.

XI. *ſect.* 11. It ſhall be lawful for the lord mayor, ſheriffs, commons, and citizens of Dublin, to appoint ſuch officers as they ſhall think fit for the execution of the ſeveral branches of the ſaid ballaſt-office, and to eſtabliſh ſuch ſalaries to them out of the produce of the duties herein veſted in the ſaid office, and the ſame to increaſe and diminiſh as to them ſhall ſeem reaſonable, ſo as the ſame ſhall be approved of by the chief governors, and ſix or more of the privy council. Appointing officers.

XII. *ſect.* 12. Every perſon who ſhall caſt any aſhes, dirt, filth, or rubbiſh into the ſaid river, or into any ſhore or ſtream that empties itſelf therein, within the ſaid city or liberties adjoining, being in a ſummary manner thereof convicted upon oath, before the lord mayor, or before any one of the juſtices of the peace of the county of the ſaid city or county at large, for crimes aforeſaid committed within their reſpective authorities, ſhall forfeit for every ſuch offence five ſhillings, for the benefit of ſuch perſons as ſhall diſcover and proſecute the ſame, which ſhall be levied by diſtreſs and ſale of the goods of the offenders, by the warrant of the lord mayor or juſtice of the peace before whom the party was convict, returning the ſaid parties the overplus. Caſting rubbiſh into the river.

(2) And in caſe the offenders have not wherewithal to pay five ſhillings, it ſhall be lawful for the ſaid lord mayor, or juſtice of the peace reſpectively, to ſend the offenders to the houſe of correction to be once whipped or kept to hard labour at his diſcretion, ſo as the confinement may not for any one fault exceed four days. Committal of offenders.

XIII. *ſect.* 13. All ballaſt ſhall be taken out of the channel of the river of Annaliffy, and not from part of the ſtrand or banks within the bar of the ſaid port, nor carried from one ſhip to ſupply another, and no ballaſt ſhall be thrown out of any ſhip into the ſaid port or river within the bar, nor into any part of the harbour beyond the bar, upon pain of forfeiting for each of the ſaid offences twenty pounds to the mayor, &c. of Dublin, for the benefit of the ballaſt-office, to be recovered by action of debt, &c. in any court of record, wherein there ſhall be no eſſoign, &c. granted, and every iſſue thereon ariſing, ſhall be tried by a jury of the county of Dublin. Taking up ballaſt.

XIV. *ſect.* 14. The lighters to be employed in the ſaid ſervice, ſhall within twenty four hours after notice, repair to ſuch ſhips which ſhall come into the port of Dublin, and receive ſuch ballaſt as ſhall be on board, for recompence whereof the maſter, in caſe the ſame be Britiſh or Iriſh ſhips, ſhall pay ſix pence per tun, and in caſe the ſhips be foreign, the maſter ſhall pay eight pence per tun. Throwing out ballaſt.

XV. *ſect.* 15. No perſon ſhall take up any ballaſt into their veſſel, but from ſuch perſons as ſhall be thereunto appointed by the lord mayor, &c. of Dublin, or thoſe employed by them, on pain of forfeiting for every ſuch offence five pounds, to be recovered in a ſummary way before the lord mayor, for the uſe of the ſaid office. Receiving ballaſt.

XVI. *ſect.*

Neglecting to attend.

XVI. *ſect.* 16. In caſe the governor or officers of the ballaſt-office or their ſervants, ſhall neglect to take off or bring in ballaſt to any ſhips within the bar, at the reſpective times appointed as aforeſaid, it ſhall be lawful for the maſter of ſuch ſhips after notice given of ſuch neglect to the lord mayor, to employ any other lighters, &c. for the doing thereof, which lighters ſo employed are hereby qualified to take up ſo much ballaſt in the channel of the port or river only, as ſhall be requiſite for ballaſting of ſuch ſhips ſo neglected, or to carry off ſuch ballaſt as ſhall be in ſuch ſhips, in caſe the maſter or officers and ſervants of the ballaſt-office ſhall neglect the ſame within the preſcribed time.

Proof of neglect.

(2) And upon oath thereof made before the commiſſioners of the cuſtoms, every ſuch maſter of any ſhip, &c. ſhall have his diſcharge out of the port as if he had produced ſuch certificate from the maſter of the ballaſt-office as aforeſaid, and every lighter or gabbard which ſhall be ſo employed, either in the loading or unloading of the ballaſt, on occaſion of ſuch neglect by the ſaid ballaſt-office, ſhall be exempted from the payments of any duty or mulct to the ballaſt-office for one year.

Carrying goods from ſhips.

XVII. *ſect.* 17. No lighters taken into the ſervice of the ballaſt-office, ſhall at any time carry any goods to or from any ſhips in the ſaid port or river, on pain of forfeiting of treble the value of the portage of ſuch goods to the party that ſhall diſcover the ſame, to be recovered in a ſummary manner before the lord mayor,

Publick act.

XVIII. *ſect.* 18. All the officers and ſervants employed to execute this act, ſhall be at liberty to plead this act, as if the ſame were a publick act, and the ſame as a publick act ſhall be deemed in all courts of juſtice.

Diſtreſs for non-payment.

XIX. *Stat* 6 *Geo.* 1. *cap.* 15. *ſect.* 6. It ſhall be lawful for the maſter of the ballaſt-office in the city of Dublin, and his deputies, in caſe of non-payment of the ſeveral ſums by the act 6 *Ann. cap.* 20. charged, to enter into any lighter, gabbard, or wherry, charged with the ſaid reſpective ſums, and to diſtrain the ſails, oars, tackle, and furniture of every ſuch lighter, &c. and the ſame to detain until they be paid ſuch ſums charged on ſuch lighter, &c.

Sale of diſtreſſes.

(2) And in caſe of delay of payment of the ſaid ſums within ten days after any diſtreſs taken as aforeſaid, it ſhall be lawful for the ſaid maſter of the ſaid ballaſt-office, or his deputies, to ſell the diſtreſſes ſo taken, and therewith to ſatisfy themſelves as well for the duty ſo delayed to be paid, as for their reaſonable charge in the taking or keeping of ſuch diſtreſſes, rendering the overplus, if any, ariſing by ſuch ſale to the perſons who ſhall ply in ſuch lighter, &c. for the uſe of the proprietors thereof.

Coaſting veſſels.

XX. *ſect.* 7. No ſhip above thirty tuns ſhall be permitted by the officers of the cuſtom-houſe in Dublin, to ſail coaſt-ways until the commander thereof ſhall have brought a diſcharge from the maſter of the ballaſt-office, or his deputy, teſtifying ſuch ſhip to have cleared their ballaſt-money in caſe they have taken in ballaſt, and likewiſe all the duties by the act before mentioned charged.

Ships, &c. ſunk in the river.

XXI. *Stat.* 10 *Geo.* 1. *cap.* 3. *ſect.* 26. When any ſhip, gabbard, or boat, ſhall by accident decay, or otherwiſe be ſunk in any part of the river Liffy, from the Bloody-bridge to Rings-end, if the owners of ſuch ſhip, &c. do not remove them in ſix days after, the directors of the ballaſt-office are obliged to remove ſuch ſhip, gabbard, or boat, ſo ſunk, to clear the navigation of the ſaid river.

(2) And

(2) And in caſe the owners within ſix days after they ſhall be ſo removed, ſhall neglect or refuſe to pay ſuch charges as the ballaſt-office ſhall be put to on account thereof, the directors of the ballaſt-office ſhall ſell the ſame at publick cant to the higheſt bidder, which ſale ſhall be concluſive to all parties, and out of the money ariſing by ſuch ſale, deduct the expence they ſhall be put to on account of removing ſuch ſhip, &c. rendering the overplus to the owner. Neglecting to pay charges.

XXII. *ſect.* 27. The directors of the ballaſt-office ſhall place ſubſtantial perches at due diſtances on both ſide of the channel between Ring's-end point and Pole-beg, to direct ſhips and gabbards coming up the river. Placing perches.

(2) And the ballaſt gabbards ſhall not take up any ſand or gravel below Ring's end, but in the channel, unleſs the directors of the ballaſt-office ſhall ſee that at particular times the ſand or gravel ſhould be taken up at other places, and then the ſame may be done by virtue of a ſpecial order in writing from the ſaid directors. Channel of the river.

XXIII. *ſect.* 28. Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, &c. and if afterwards a verdict ſhall paſs for the defendants, or the plaintiffs ſhall diſcontinue their action, or be non-ſuited, or judgment ſhall be given againſt them upon demurrer or otherwiſe, ſuch defendants ſhall have treble coſts, &c. General iſſue.

Such parts of this ſtatute as relate to Dublin, &c. are continued for ſeven years, &c. from the firſt day of May, one thouſand ſeven hundred and ſixty two, by Stat. 1 Geo. 3. cap. 17. ſect. 16.

Dublin, Beggars and Vagrants. *Vide* Work-houſe.

Dublin, Butchers.

I. *Stat.* 31 *Geo.* 2. *cap.* 8. *ſect.* 2. If any butcher, or perſon exerciſing the trade of a butcher in Dublin, or within ten miles thereof, or any perſon that ſhall kill or ſlaughter, or cauſe to be killed or ſlaughtered, any oxen, cows, ſheep, calves, or lambs, ſhall knowingly ſell the ſame, or any part thereof, to or in truſt, or for the uſe or benefit of any butcher, or other perſon, that ſhall retail or ſell the ſame again, or expoſe it to be retailed or ſold again, the perſon ſo ſelling, as well as the perſons ſo buying and ſelling, or expoſing to ſale again ſhall ſeverally forfeit five pounds for every ſuch offence, to be paid to the informer, and to be recovered in manner (*as is directed for the recovery of the penalties againſt ſaleſmen.* See Tit. Dublin, *Saleſmen*) with full coſts. Penalty for ſelling meat to butchers.

II. *ſect.* 3. No butcher exerciſing his trade in Dublin, or other perſon for his uſe or benefit, ſhall buy, or agree, or contract for any fat calves, or lambs, in the country, or upon any of the roads to Dublin; and all calves and lambs, that are to be ſold by retail in any of the markets, commonly called meat markets, in Dublin, ſhall be ſold openly in the market of Smithfield in Dublin, at the times appointed by law, for the ſale of cattle therein, and ſhall not be ſold, agreed, or contracted for at any other place, or at any other time. Foreſtalling calves, lambs, &c.

(2) And if any perſon ſhall buy, or ſell, or agree, or contract for any calf or lamb, contrary to the meaning hereof, every ſuch perſon ſhall ſeverally, for every Penalty.

every ſuch offence, forfeit five pounds, to be paid to the informer, and to be recovered in manner aforeſaid, with full coſts.

Information for offences.

III. *ſect.* 4. Any perſon may file an Engliſh bill or information, in any of his Majeſty's Four Courts in Dublin, againſt any perſons that ſhall offend, or that he ſhall have reaſonable ground to ſuſpect of offending, contrary to this act, and the true meaning thereof; and alſo againſt any perſons that he ſhall ſuſpect to be privy to ſuch offence, in order to the better diſcovery of the ſaid ſeveral offences.

Anſwer on oath.

(2) To which bill or information, the parties againſt whom the ſame ſhall be filed, ſhall give in a full anſwer upon oath, and not plead or demur; and if ſuch perſons ſhall forſwear themſelves in ſuch anſwer, the perſon ſo forſwearing himſelf, ſhall be guilty of perjury, and upon conviction thereof, ſhall ſuffer puniſhment, as in caſe of wilful and corrupt perjury.

Not to be evidence.

IV. *ſect.* 5. Provided that ſuch anſwer ſhall not be evidence againſt the perſon putting in the ſame, or be in any ways made uſe of to ſubject him to any of the penalties of this act.

Vexatious ſuits.

V. *ſect.* 6. Where any action or ſuit, founded upon this act, ſhall be commenced, and the ſaid ſuit or action ſhall appear to the court where the ſame ſhall be brought, to be groundleſs and vexatious, the ſaid court may award reaſonable coſts for the defendants in ſuch action or ſuit.

Proſecution in nine months.

VI. *ſect.* 7. No perſon ſhall be ſued or troubled for any offence done, or ſuppoſed to be committed againſt this act, unleſs ſuch proſecution ſhall be commenced within nine calendar months next after the ſaid offences are committed.

Dublin, Civil Bills.

Civil bills to be heard.

I. *Stat.* 31 *Geo.* 2. *cap.* 16. *ſect.* 1. The recorder of the ſaid city, for the time being, is impowered, twice in every year, at the times herein after appointed, to hear and determine, in a ſummary way, by Engliſh bill, or paper petition, all diſputes and differences between party and party, ariſing within the liberties and juriſdictions of the ſaid city, for any ſum above forty ſhillings, and not exceeding twenty pounds, in all actions of debt, on any bond, bill, or ſpecialty, for payment of money only, and in actions on the caſe, on any promiſſory note, or inland bill of exchange, or for any ſum above forty ſhillings, and not exceeding ten pounds, in all actions on the caſe, in *aſſumpſit*, *inſimul computaſſet*, *trover*, *converſion*, *quantum meruit*, and *detinue*, and to make and renew ſuch decrees and diſmiſſes, with ſuch coſts, and to award and iſſue ſuch execution againſt the goods of the party, with ſuch powers for trying any controverted fact, and under ſuch fees, regulations, proviſions, directions and remedies, for the enforcing the appearance of parties and witneſſes, and for puniſhing witneſſes giving falſe teſtimony, and ſheriffs and other officers neglecting their duty in the execution of the premiſſes; and in all reſpects to exerciſe ſuch juriſdictions and powers concerning the ſaid Engliſh bills, as the judges of aſſize are impowered to exerciſe in their reſpective circuits, by *Stat.* 2 *Geo.* 1. *cap.* 11. as the ſame now ſtands explained, extended and amended by the ſubſequent acts, 8 *Geo.* 1. *cap.* 6. and 1 *Geo.* 2. *cap.* 14. or any other ſubſequent act made in this kingdom; ſubject to the ſeveral proviſions, reſtrictions, and qualifications, in this preſent act expreſſed and contained.

II. *ſect.*

II. *ſect.* 2. Provided, that where any diſmiſs, or the ſum contained in any decree to be made, by virtue of this act, ſhall not exceed ten pounds, in ſuch caſe, the ſum decreed ſhall be firſt attempted to be levied of the goods and effects of the perſons againſt whom ſuch decree or diſmiſs ſhall be obtained; and if the ſame be not levied or paid within three months after ſerving ſuch parties perſonally with a copy of ſuch decree or diſmiſs. Execution againſt the goods.

(2) And in caſe the ſame cannot be ſerved perſonally, and it be made appear to the court that it cannot, then, if the ſame be not levied or paid within three months after ſerving ſuch parties with the ſame, in ſuch manner as is herein after directed, for the ſervice of proceſs, it ſhall be lawful to iſſue execution againſt the body of the defendant, in caſe of a decree, and againſt the body of the plaintiff, in caſe of a diſmiſs, for the ſum contained in ſuch decree or diſmiſs, or for ſo much thereof, as ſhall, at the time of iſſuing ſuch execution, remain unpaid. Execution againſt the body.

III. *ſect.* 3. The court to be held for the determining civil bills, under this act, ſhall be a court of record, to be held twice in every year (that is to ſay) on the day three weeks before the eſſoign day of Eaſter term, and on the day three weeks before the eſſoign day of Michaelmas term, and to be continued by adjournment, if neceſſary, until the eſſoign days of ſaid terms reſpectively. Court of record.

(2) And the prothonotaries of the court of King's Bench and Common Pleas, the clerk of the pleas of the Exchequer, and the town clerk of the ſaid city, for the time being, or any three of them, ſhall appoint, by an inſtrument under their hands and ſeals, a ſufficient perſon, who ſhall, during their pleaſure, act as regiſter or clerk of ſuch civil bills, and be removeable by the recorder, for any miſbehaviour in the execution of ſaid office. Appointing a regiſter.

(3) And the perſon ſo to be appointed, ſhall be intitled to receive ſuch fees as the judges clerk, or regiſter of civil bills, is intitled to receive, by virtue of the before mentioned acts; to be accounted for, and paid to the ſaid prothonotaries of the courts of King's Bench and Common Pleas, the clerk of the pleas of the court of Exchequer, and town clerk of the ſaid city, ſhare and ſhare alike. Receiving fees.

IV. *ſect.* 4. Provided, that if ſuch perſon ſhall not be appointed as aforeſaid, then the recorder of the ſaid city, for the time being, ſhall appoint a ſufficient perſon to act as regiſter or clerk of the ſaid court, for the purpoſes aforeſaid. Neglecting to appoint.

(2) And all perſons ſhall be admitted to practiſe as attornies in the ſaid court, who are qualified to practiſe as ſuch in any of his Majeſty's Four Courts in Dublin. All attornies may practiſe.

V. *ſect.* 5. When any perſon ſhall ſue on any civil bill, by virtue of this act, within the county of the city of Dublin, the defendant, or in his abſence, if he be not then out of the kingdom, his wife, ſon, daughter, or any other relation, or ſervant, of the age of ſixteen years, and dwelling in his houſe, ſhall be ſerved with proceſs, by ſhewing the original to, and leaving a copy thereof with him, her, or them, twelve days inclusive, before the firſt day of each of the ſaid ſittings of the ſaid civil bill court, at which ſuch proceſs ſhall be made returnable, ſo as no perſon ſhall be ſerved with ſuch proceſs, but ſuch as ſhall, at the time of the ſervice of ſuch proceſs, be reſident within the county of the ſaid city. Service of proceſſes.

VI. *ſect.* 6. If any perſons ſhall think themſelves aggrieved by the decree or diſmiſs of the ſaid recorder, it ſhall be lawful for ſuch perſons to appeal from the ſame to the chief juſtice of the King's Bench or Common Pleas, or to the chief baron of the Exchequer, at their reſpective ſittings of *Niſi Prius* for the ſaid Appeal to the chief juſtices, &c.

ſaid city of Dublin, after the Eaſter or Michaelmas term next following the pronouncing ſuch decree or diſmiſs, under ſuch reſtrictions and regulations for ſtopping proceedings on ſuch decree or diſmiſs, and for giving bail, or depoſiting the ſum decreed, and for paying coſts, as by the ſaid recited acts is required on appeals, to the next judge of aſſize.

Notice of appeal. (2) The parties ſo appealing, giving twenty days previous notice in writing, to the parties obtaining ſuch decree or diſmiſs, or to their attorney, to which of the ſaid chief judges ſuch appeal is intended to be made.

Hearing appeals. VII. *ſect.* 7. The ſaid chief juſtices of *niſi prius* for the ſaid city, are required, at their ſaid ſittings, which for this purpoſe they may hold in their reſpective courts, or in the Tholſel, or any other convenient place in the ſaid city, and may continue by adjournments, as to them ſhall ſeem expedient, to hear and determine the ſaid appeals, under ſuch regulations, with ſuch fees and powers, and in ſuch manner, as by the ſaid recited acts are appointed for appeals to the next going judges of aſſize.

Abſence of the recorder. VIII. *ſect.* 8. When it ſhall appear to the lord chancellor, or lords commiſſioners of the great ſeal, for the time being, upon oath, that the recorder is, by reaſon of ſickneſs, or other neceſſary cauſe of abſence, unable to attend at the time appointed for the holding the ſaid civil bill court, in ſuch caſe, it ſhall be lawful for the lord chancellor, or lords commiſſioners, for the time being, to appoint one of his Majeſty's council, learned in the law, to hear and determine civil bills under this act, in ſuch manner as the ſaid recorder is hereby impowered to do, during ſuch neceſſary cauſe of abſence, which council ſhall be intitled to the ſame fees as the recorder would have been, if preſent, with like remedy of appeal from his decree, &c.

Dublin, Coaches, Chairs, Cars, &c. See Work-houſe.

Dublin, Exchange.

Commiſſioners to convey ground purchaſed for an Exchange to guild of merchants. I. *Stat. 7 Geo. 3. cap. 22. ſect.* 1. Commiſſioners for widening the ſtreets, ſo ſoon as they have compleated the purchaſe of ground, ſhall and do convey the plot for building an exchange upon unto the guild or corporation, commonly called the maſters, wardens, and brethren of the corporation of merchants, or guild of the holy Trinity of the city of Dublin, and their ſucceſſors for ever, and they be impowered to accept of ſaid conveyance.

Veſted in them for that ſole purpoſe. II. *ſect.* 2. Immediately after ſaid purchaſe and conveyance, ſaid plot declared veſted in the actual ſeiſin and poſſeſſion of ſaid guild and ſucceſſors for ever, for the ſole purpoſes and uſes of building thereon a convenient and commodious exchange and place of meeting for the merchants, and traders of the city.

Truſtees, III. *ſect* 3. The following perſons, all of the city of Dublin, merchants, Thomas Read, Matthew Weld, Robert Jaffray, Theophilus Thompſon, Travers Hartley, Joſeph Fletcher, Edward Strettel, Joſeph Lynam, George Sutton, George Maquay, Alexander Jaffray, Robert Magee, Abraham Wilkinſon, William Thompſon, William Colvil, and George Godfrey Hoffman, together with the lord mayor and ſheriffs, the two citizens repreſenting ſaid city in parliament, treaſurer of ſaid city, and ſenior maſter of the guild of merchants, all for the time being, conſtituted and appointed truſtees

truſtees for the purpoſes of planning, erecting, and compleating according to their judgment and diſcretion, the ſaid exchange and place of meeting for the merchants or traders of Dublin, and for keeping the ſame in good order and repair, and regulating all matters relating thereto; ſaid truſtees, or any ſeven or more of them, may plan, deſign, erect compleat, and finiſh a building for the purpoſe of an exchange, and place of meeting for the merchants and traders of Dublin, and keep the ſame from time to time in order and repair, and regulate all matter relating thereto. any 7 or more.

IV. *ſect.* 4. For ſupplying and continuing a number of fit and able merchants, to be truſtees for putting in execution the powers and truſts in this act, when any of before named merchants die, refuſe to act, or reſign, the maſter for the time being of ſaid guild or corporation, at ſome convenient time, in ten days after notice to them thereof by ſurviving truſtees, or any ſeven, ſhall, by publick notice for that purpoſe in Dublin Gazette, convene at the common hall of ſaid guild, an aſſembly of ſuch members, not leſs than thirty, as ſhall have at the time the allowance of ſix *per cent.* at the cuſtom houſe as wholeſale merchants, and then and there elect a merchant, or, if then more than one vacancy, a number of merchants, ſufficient to fill up ſuch vacancies, and qualified as aforeſaid for three years next before ſuch day of election, in the room and ſtead of ſaid merchant or merchants before named ſo dying, refuſing, or reſigning, and ſo from time to time for ever upon the death, refuſal, or reſignation of any of ſaid merchants, ſo from time to time to be elected, one or more merchants ſo qualified, ſhall be ſo elected and choſen from time to time, ſo as that there may be always a body of 16 merchants ſo qualified, ſubſiſting for purpoſes aforeſaid, over and above the ſaid lord mayor, ſheriffs and repreſentatives, treaſurer and ſenior maſter, for time being. Vacancies ſupplied at aſſembly of qualified wholeſale merchants, not under 30, on notice in Gazette, always 16 merchants.

V. *ſect.* 5. Truſtees or any ſeven to meet at ſuch times and places in city of Dublin, as they from time to time think proper, till ſaid exchange ſhall be erected and finiſhed, and then at ſaid exchange, at which meeting the ſaid lord mayor when preſent ſhall be preſident. Meetings lord mayor preſident.

VI. *ſect.* 6. Truſtees and ſucceſſors for ever a body politick and corporate, capable in law to ſue and be ſued, plead and be impleaded, anſwer and be anſwered in all courts of law and equity, by name of truſtees of the royal exchange of Dublin, make and uſe a common ſeal, capable in law by ſuch name to take ſecurities for money due as truſtees, and performance of agreement or contract, or due execution of any power or authority committed by them, concerning ſaid exchange in building and erecting or repairing and keeping in good order and condition; any ſeven may enter into and execute all ſuch contracts, and agreements, as neceſſary for, or relative to execution of ſaid truſt, and nominate and appoint a treaſurer, and clerk or regiſter, and other neceſſary officers and ſervants with ſuitable ſalaries or wages from time to time during their pleaſure; ſervice of ſuch clerk with ſubpœna, order, decree, or proceſs of any court of law or equity, ſhall be ſufficient ſervice of ſaid truſtees, ſo as made twenty days at leaſt before return or time appointed by ſuch proceſs for obedience. Incorporated, take ſecurities, execute contracts, appoint officers, proceſs ſerved on clerk 20 days.

VII. *ſect.* 7. Seven from time to time may make reaſonable bye-laws, orders, and directions for better regulations of ſaid Royal Exchange, and place of meeting and government and officers and ſervants, and vacate, vary, or alter, as to them ſeems meet and convenient. Seven make bye-laws.

VIII. *ſect.*

Three may convene, ſummons by clerk.

VIII. *ſect.* 8. Any three truſtees may from time to time convene ſaid truſtees, ſign a direction in writing, of time and place in Dublin to the clerk or regiſter, who may iſſue ſummons purſuant thereto.

Two days notice, 7 to act.

IX. *ſect.* 9. Two days notice of meeting, given in uſual manner to ſaid truſtees reſpectively, or ſuch as then reſident in Dublin or the liberties; any ſeven to tranſact buſineſs at ſuch meeting.

Deemed in county of the city.

X. *ſect.* 10. Immediately after the plot of ground appropriated for building ſaid exchange, conveyed to ſaid guild of merchants, the ſame ſhall be thenceforth for ever be part of the county of the city, and ſo deemed in all courts of law and equity.

Suits in 6 months, laid in county of city,

general iſſue pleaded.

XI. *ſect.* 11. Action or ſuit, for any thing done in purſuance of this act, or in relation to the premiſſes, ſhall be laid within ſix months next after the fact, in the county of the city, and not elſewhere; defendants may plead general iſſue, and give this act and ſpecial matter in evidence at any trial thereon, and that it was done in purſuance of this act; and if it ſhall ſo appear, or if ſuch ſuit not within the time limited, or in any other county or place, the jury ſhall find for defendants, or if plaintiff nonſuited, or ſuffer diſcontinuance, or verdict againſt plaintiff, or if on demurrer judgment againſt plaintiff, defendant ſhall have double coſts, and ſuch remedy for recovering as any defendants have in other cauſes by law.

double coſts.

A publick act.

XII. *ſect.* 12. This a publick act; deemed and taken notice of as ſuch in all courts and places without pleading.

Dublin, Fire and Fire Engines.

Magiſtrates to attend.

I. *Stat.* 2 *Geo.* 1. *cap.* 5. *ſect.* 3. Upon the breaking out of any fire within the city of Dublin, or any other city or town corporate, the chief magiſtrate, conſtables and beadles of ſuch city or town, upon notice thereof ſhall immediately repair to the place where the fire ſhall happen, with the badges of their authority, and be aiding as well in the extinguiſhing the fires, and cauſing people to work at the engines for throwing up water, as in preventing goods being ſtolen, and ſhall ſeize and apprehend all ill-diſpoſed perſons that they ſhall find ſtealing and pilfering from the inhabitants; alſo the ſaid chief magiſtrates, conſtables, and beadles, ſhall give their utmoſt aſſiſtance to help the inhabitants to remove their ſaid goods.

Fixing ſtop blocks.

II. *Stat.* 6 *Geo.* 1. *cap.* 15. *ſect.* 8. It ſhall be lawful for the church-wardens of every pariſh within the city of Dublin and liberties thereof, and the ſeveral liberties thereunto adjoining, to place at the charge of ſuch reſpective pariſh, upon the mains and pipes belonging to any water-work within the ſaid city and liberties, ſo many ſtop-blocks of wood, with a two inch plug, or ſo many fire cocks to go into each main or pipe, and to be placed at ſuch diſtances in any ſtreet and place where ſuch church-wardens ſhall direct, and the top of ſuch ſtop blocks to lie even with the pavement of each ſtreet or place, to the intent ſuch plugs or fire cocks may always upon occaſion of any fire be opened, and ſet out the water without any loſs of time in digging down to the pipes.

Marks on houſes.

(2) And any church-wardens have power to fix any mark or writing in the front of any houſe, over againſt the ſaid place, for the better making known to the inhabitants where ſuch ſtop-blocks and fire cocks do lie, and

to

to keep an inſtrument in each houſe where the mark is fixed to open the plug or fire cock, ſuch ſtop blocks, plugs, and fire cocks to be kept in repair at the charge of each pariſh where the ſame ſhall be ſo placed.

Large engine in every pariſh.

(3) And every pariſh within the city of Dublin and ſuburbs thereof, and within the liberties thereunto adjoining, ſhall at all times have and keep in good order and repair in ſome known and publick place within each pariſh, a large engine, and alſo a hand engine, to throw up water for the extinguiſhing of fires, and ſhall provide and maintain one leather pipe and ſocket of the ſame ſize as the plug or fire cock, to convey the water clean and without loſs of time or help of bucket into the engine.

Penalty for defaults.

(4) And in default of placing and continuing ſuch ſtop blocks or fire cocks on the ſeveral mains and pipes, and alſo in default of having and keeping in good repair ſuch large engine, hand engine, leather pipe and ſocket as aforeſaid, it ſhall be lawful for the reſpective grand juries of the counties where ſuch pariſh lies, at the general quarter ſeſſions, to preſent and charge upon the ſeveral inhabitants of ſuch pariſh, ſuch ſums of money as may enable the church-wardens to provide ſuch ſtop blocks, with a two inch plug and fire cock, and alſo to provide within ſuch pariſh a large engine, and hand engine, &c. the ſame to be levied on the ſaid pariſh in like manner as other publick monies are levied within the ſaid county.

Appointing engine-keepers.

III. *ſect.* 9. The miniſter, church-wardens, and pariſhioners of the ſeveral pariſhes within the ſaid city, and ſuburbs, and liberties adjoining, in their reſpective veſtries yearly, on the firſt day of January, or within two days after are required to appoint perſons in each pariſh to take care of the ſaid engines, leather pipe, and ſocket, and of the ſeveral ſtop blocks and fire cocks, on the mains and pipes within the ſaid pariſh, who as there ſhall be occaſion, ſhall at the charge of the ſaid pariſh maintain them in good order.

Neglect of perſons appointed.

(2) And in caſe ſuch perſons ſo appointed ſhall neglect to keep in good order ſuch engines, &c. being convicted thereof before two juſtices of the peace by the oath of one witneſs, ſhall forfeit ten pounds, one moiety thereof to the informer, and the other moiety to the church-wardens of the ſaid pariſh, to be laid out in providing, maintaining, and repairing ſuch engines, leather pipe, and ſocket, to be recovered by warrant from two juſtices of the peace by diſtreſs and ſale of ſuch offender's goods, the overplus, if any be, to be returned to the owner.

Rewards to keepers.

(3) And the firſt engine keeper who brings in a pariſh engine to help to extinguiſh any fire, if in good order and compleat, with a ſocket hole and leather pipe, ſhall be paid twenty ſhillings; the keeper of the ſecond pariſh engine that ſhall be next brought to a fire, ſhall be paid ten ſhillings; and the third five ſhillings, by the church-wardens of each pariſh where ſuch fire ſhall happen; the ſaid money to be afterwards charged and paid by the inhabitants of ſuch pariſh, to reimburſe the ſaid church-wardens in the ſame manner as other pariſh ceſſes in the ſaid pariſh are raiſed.

Recoverable by warrant.

(4) And in default of payment thereof, ſuch reward ſhall be recoverable from the church-wardens where ſuch fire ſhall happen, by warrant from two juſtices of the peace by diſtreſs and ſale of ſuch church-wardens goods, the overplus to be returned if any be to the church-wardens.

Graving ſhips.

IV. *Stat.* 10 *Geo.* 2. *cap.* 8. *ſect.* 24. No perſons ſhall grave or careen any ſhip, gabbard, or boat, ſo as any fire be lighted about them to glaze their bottoms, or make any fire to boil or melt their pitch, tar, roſin, tallow,

low, or other combuſtible materials for dreſſing any ſhip, gabbard or boat, or for heating or burning any plank at any place in the river Liffey between Bloody-bridge and the Ferry-ſlip at the end of the Batchelor's-walk, and from the Ferry-ſlip to the river Dodeer, *alias* Donebrook.

Diſtances limited.

(2) No ſhip, gabbart, or boat ſhall be careened or graved as aforeſaid, at any place within thirty yards of any houſe, or other ſhip, gabbard, or boat lying at anchor, ſhips boats excepted, or any fire made to boil or melt pitch, tar, or any other combuſtible materials as aforeſaid, or for heating or burning plank at any place within ten yards of any houſe, ſhip, gabbard, or boat lying at anchor.

Apprehending offenders.

(3) And in caſe any perſon ſhall offend contrary thereto, it ſhall be lawful for any perſon with a conſtable to apprehend ſuch offenders, and to carry them before the lord mayor, or ſome juſtice of the peace for the ſaid city.

Penalty for offences.

(4) And in caſe it ſhall appear before the ſaid lord mayor or juſtice, by the confeſſion of the party, or by the oath of one witneſs, that the ſaid perſons have offended againſt this act, ſuch offenders upon conviction, ſhall for every offence forfeit five pounds, one moiety to the uſe of the informer, the other moiety to the uſe of the poor of the pariſh.

Commital for nonpayment.

(5) And in caſe ſuch offenders ſhall refuſe to pay the ſaid forfeiture, the ſaid offenders ſhall by the ſaid lord mayor or juſtice of the peace, be committed to gaol till ſuch forfeitures be paid; but in caſe of inability to pay the ſame, the ſaid lord mayor or juſtice may commit ſuch offenders to the houſe of correction, there to be kept at hard labour for any time not exceeding ſeven days.

Keeping fires in ſhips, &c.

V. *ſect.* 25. No maſter or any other ſailor on board any ſhip, gabbard, or boat, lying in the ſaid river, between the Bloody-bridge, and the ſaid river Dodeer, *alias* Donebrook, ſhall make or keep any fire on board ſuch ſhip or gabbard for boiling their pots or kettles, or for any other uſe, except candle light, unleſs ſuch ſhip or gabbard lie at leaſt twenty yards diſtance from the quays where houſes ſhall be built; and in caſe any perſon ſhall offend herein, the maſter of ſuch ſhip or gabbard ſhall forfeit forty ſhillings, to be recovered in manner as is before directed, and to be applied to the ſame uſes.

This clauſe is continued for ſeven years, &c. by Stat. 1 *Geo.* 3. *cap.* 17.

Dublin, Foot-paths.

Grand jury.

I. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 9. The grand jury of the county, and the county of the city of Dublin, in Eaſter or Hilary term annually, are hereby impowered and required to raiſe on the county at large, in manner as directed by this act, ſuch ſums of money, as they ſhall from time to time think neceſſary for erecting and repairing foot-paths, with ſtiles, three feet wide, by the ſides of highways within ſix miles of the city of Dublin, for the convenience of foot travellers.

Horſes or cattle on foot-paths.

II. *ſect* 10. And no horſe or other cattle ſhall be ridden or drove on ſuch foot paths, under the penalty of five ſhillings for every horſe or other beaſt that ſhall be ſo ridden or drove on ſuch foot path, to be recovered upon the

the oath of one or more perſons, by warrant under the hand and ſeal of any juſtice of the peace of ſaid county, by diſtreſs and ſale of the horſe or other beaſts ſo ridden or driven, which penalty ſhall be paid to the informer.

Dublin, Gun Powder.

I. *Stat.* 1 *Geo.* 2. *cap.* 27, *ſect.* 32. Every perſon who ſhall keep in any place within one mile of the city of Dublin, except in his Majeſty's ſtores, any greater quantity of gun powder than one hundred weight, at any one time, ſhall for every ſuch offence forfeit one hundred pounds; two third parts whereof ſhall be for the uſe of the informer, and the other third part thereof for the uſe of the work-houſe. Above one hundred weight.

(2) And if any perſon ſhall import any gun powder into the port of Dublin, ſuch importer ſhall not depoſit the ſame in any place within one mile of the city of Dublin, nor ſhall ſuffer the ſame to lie on the cuſtom-houſe quay longer than twenty four hours; and ſuch importers acting contrary hereunto, ſhall for every ſuch offence forfeit one hundred pounds, two third parts thereof to the uſe of the informer, and the other third part to the uſe of the work-houſe. Importer of gun powder.

(3) And if complaint ſhall be made upon oath to the lord mayor of the city of Dublin, or ſeneſchals of the liberties reſpectively, of any greater quantity of gun powder than one hundred weight being lodged in any of the places aforeſaid, the ſaid lord mayor or ſeneſchals reſpectively are required to iſſue their warrant to any bailiff or other officer, impowering him to enter into any houſe or other place where information is given that gun powder is lodged, and there examine whether any greater quantity than one hundred weight is lodged in any ſuch place. Warrant to examine houſes, &c.

(4) And if ſuch officer ſhall be hindered from executing ſuch warrant by any perſons, ſuch perſons ſhall for ſuch offence forfeit one hundred pounds, two third parts thereof for the uſe of ſuch officer, and the other third part to the uſes of the workhouſe, which ſaid ſeveral penalties ſhall be recovered by action of debt, or information in any court in Dublin, wherein but one imparlance and no eſſoign, &c. ſhall be allowed. Obſtructing officers.

II. *ſect.* 33. Provided, that it ſhall be lawful for any perſons with the conſent of the chief governors of this kingdom, teſtified by any writing under their hands and ſeals reſpectively, to erect any warehouſes for keeping of gun powder on any convenient plots of ground within the limits aforeſaid. Warehouſes by licences.

Dublin, Harbour.

I. *Stat.* 3 *Geo.* 3. *cap.* 15. *ſect.* 1. Whereas by an act paſſed in this kingdom in the ſixth year of the reign of Queen Ann, for cleanſing the port, harbour, and river of Dublin, and for erecting a ballaſt-office within the ſaid city, the lord mayor, ſheriffs, commons, and citizens of the ſaid city, are conſtituted and ordained keepers and conſervators of the port of Dublin; and whereas no effectual proviſion hath been made by the ſaid act for preventing the many and great loſſes happening from the want of ſkilful pilots to take charge of ſhips trading to the ſaid port, and from the want of haven-maſters to regulate the placing of ſuch ſhips or veſſels as are therein, nor for preventing the The Act 6 Ann. cap. 20. & 11 & 12 G. 3. c. 19. ſ. 12. Want of pilots, &c.

frauds and abuſes committed by perſons employed in lighters within the ſaid port; for remedy whereof, the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, are hereby impowered from time to time, and in the manner herein directed, to licenſe and appoint, during their will and pleaſure, any number of ſkilful pilots, not exceeding fifty in the whole, at and under ſuch yearly wages and ſalaries as ſhall be aſcertained in the manner herein after directed.

Lord mayor, &c. may licenſe,

pilots not exceeding fifty.

(2) And the lord mayor, ſheriffs, commons, and citizens are hereby alſo impowered to appoint and authorize, in the manner herein after directed, proper perſons, not more than two, as haven-maſters in the harbour of Dublin, who ſhall continue in their ſaid office during the will and pleaſure of the ſaid lord mayor, ſheriffs, commons, and citizens, at and under yearly wages and ſalaries, to be aſcertained as herein after directed, and who ſhall, as the duty and buſineſs for which ſuch ſalaries are to be paid, take care that buoys and floating perches ſhall be placed and conſtantly kept up on the north and ſouth ends of the bank called the Kiſh, and on the Codling Patch, and on the banks called the North Grounds, for the better direction and ſecurity of navigation to and from the ſaid harbour, and ſhall alſo regulate and ſtation the trading ſhips, veſſels, and lighters within the ſaid harbour.

Two haven maſters,

buoys and floating perches,

to ſtation ſhips, &c.

II. *ſect.* 2. It ſhall be lawful for the ſaid haven-maſters, or either of them, to order and cauſe to be placed, or removed, ſhips or veſſels within the ſaid harbour, where ſuch ſhips or veſſels can more conveniently moor or lye, or ought to lye.

Haven-maſter to place and remove ſhips, &c.

(2) And in caſe any maſter or owner of ſuch ſhip or veſſel, ſhall refuſe removing as aforeſaid, and continue ſo to do after receiving ſuch order from the ſaid haven-maſters or either of them, for the ſpace of twelve hours next after receiving ſuch order, then it ſhall be lawful for the ſaid haven-maſters, or either of them, to hire and employ proper perſons to remove ſuch ſhip or veſſel, to ſuch part or place in the ſaid harbour, as the ſaid haven maſters, or either of them ſhall appoint, and the expence or hire of ſuch perſons ſo employed in the ſaid ſervice, ſhall be paid and borne by the maſter of ſaid ſhip or veſſel, together with a ſum not exceeding five pounds, as a fine or penalty for ſuch neglect or refuſal, the ſaid charges and penalty to be recovered as herein after directed, and paid before any clearance or diſcharge ſhall be allowed or granted for ſuch ſhip or veſſel.

Maſters of ſhips refuſing to remove,

to employ perſons to remove them.

expence to be paid by the maſters,

5l. penalty.

(3) And the ſaid haven-maſters, or either of them, ſhall be impowered in caſes of urgent neceſſity, and for preventing the loſs of any ſhip or veſſel, to cut the rope or cable of any other ſhip or veſſel lying within the ſaid port or harbour of Dublin (not being any of his Majeſty's ſhips of war), which may obſtruct the navigation, or endanger the ſafety of any other veſſel.

In caſes of neceſſity to cut cables.

III. *ſect.* 3. If the ſaid haven-maſters or either of them, or any other perſons duly licenſed and authorized in purſuance of this act, ſhall be obſtructed in his duty or buſineſs by any perſons, ſuch perſons ſo obſtructing the ſaid officers or licenſed perſons, ſhall ſeverally pay for ſuch offences, and ſo often as ſuch offences ſhall be by them committed, any ſum not exceeding five pounds ſterl. to be paid by each party proved guilty of the ſame, and to be recovered and levied as herein after directed.

Haven-maſters duly licenſed, obſtructed in doing their duty,

penalty 5l.

IV. *ſect.* 4. It ſhall be deemed felony in any perſons, except thoſe who may be lawfully empowered for that purpoſe, who ſhall wilfully cut away any buoy or buoy-rope, from any anchor in the harbour, or caſt, looſe, or

Felony to cut buoy ropes, &c.

cut

cut away any ſhip, lighter, veſſel, or wherry from their moorings, or deface, cut, or take away any floating buoy, or perch or known ſea-mark. or defacing ſea-marks.

V. *ſect.* 5. The maſters or owners of every trading ſhip or veſſel laden with, or carrying merchandize coming to, or going from the ſaid harbour of Dublin (except ſuch as may be laden with coals or corn, trading coaſt-ways) ſhall be obliged to receive and take on board ſuch ſhip or veſſel, a pilot licenſed as ſuch, in purſuance of this act, and for every ſuch ſhip and veſſel, the maſter or owner thereof ſhall pay, or cauſe to be paid to the ballaſt-maſter of the ballaſt-office, of the port of Dublin, for the purpoſes of this act, at the rates following. Trading ſhips to take a pilot on board.

(2) For all foreign ſhips, two ſhillings per foot, for pilotage over the bar, and one ſhilling per foot, for pilotage from Poolbeg to the quays. Pilotage for foreign ſhips.

(3) For Britiſh ſhips, one ſhilling per foot, for pilotage over the bar, and ſix pence per foot, for pilotage from Poolbeg to the quays; the ſame rates to be paid for pilotage outwards. For Britiſh ſhips, the ſame rates outwards.

(4) But in caſe any ſhip coming in or going out, ſhall not be obliged to come to an anchor in Poolbeg, or below King's End, and ſhall not remain there longer than twenty four hours, then no more pilotage to be paid than the rates aforeſaid, of two ſhillings per foot for foreign ſhips, and one ſhilling per foot for Britiſh ſhips. Not obliged to anchor,

VI. *ſect.* 6. *For the further promoting and better effecting the good ends and purpoſes intended by this act*, the following rates and duties, over and above thoſe now payable to the ballaſt-office, may be demanded and received from the maſters or owners of every foreign ſhip or veſſel, or ſuch as ſhall not belong to any of his Majeſty's ſubjects in Great Britain, Ireland, or the plantations; (that is to ſay) two pence for every tun of ſuch ſhip or veſſels burthen, and on every voyage which ſuch ſhip or veſſel ſhall make to the ſaid harbour of Dublin. Duties to the ballaſt-office, foreign ſhips.

(2) And for every ſhip or veſſel belonging to any of his Majeſty's ſubjects which ſhall arrive from foreign parts (except Great Britain) there ſhall be demanded and paid one penny for every tun of ſuch ſhip or veſſels burthen, and on each voyage made to the ſaid harbour of Dublin. Every voyage.

(3) And for every ſhip or veſſel arriving in the ſaid harbour from Great Britain, or trading coaſtways, and laden with merchants goods, there ſhall be demanded and paid one halfpenny, for every tun of ſuch ſhip or veſſels burthen. Ships of ſubjects. From Great Britain, and coaſters.

(4) The ſaid duties to be paid on each and every voyage that any ſhip or veſſel as aforeſaid ſhall make to the ſaid harbour of Dublin, and the burthen of all ſuch ſhips or veſſels ſhall be deemed and taken according to the meaſurement chargeable thereon by the ballaſt-office of the city of Dublin, (except for ſuch ſhips or veſſels laden with corn or coals, or the greateſt part of their cargoes corn or coals) every ſuch trading ſhip or veſſel to be free on paying one penny for every tun of ſuch ſhip or veſſels burthen once a year only. Meaſurement of burthen, corn and coals.

(5) Provided, that in caſe any ſhip or veſſel uſing the corn or coal trade, ſhall at any time bring other goods or merchandizes, or the greateſt part of the cargo being of ſuch other goods or merchandize; that in ſuch caſe the ſaid ſhip or veſſel ſhall be chargeable with the like rate or duty which the ſhip or veſſel would be obliged to pay had the ſame not uſed or followed the corn or coal trade. Carrying other goods.

VII. *ſect.* 7. Provided, that no coaſting veſſel, boat, or wherry, ſhall be chargeable with any of the duties aforeſaid, which ſhall be under the burthen of thirty tuns. Coaſters under thirty tuns.

Clearance of ships,

VIII. *ſect.* 8. It ſhall not be lawful for the officers of his Majeſty's revenue, or any of them, in the port of Dublin, to clear or diſcharge any ſhip or veſſel outward bound, or to permit any ſhip or veſſel to ſail until the maſter or owner thereof ſhall have brought a diſcharge from the ſaid ballaſt-maſter teſtifying ſuch ſhip or veſſel to have been cleared and diſcharged, which diſcharge from the ſaid ballaſt-maſter ſhall be immediately granted, except there ſhould be lawful cauſe to the contrary; and in caſe of refuſal or delay the ſaid ballaſt-maſter ſhall forfeit ten pounds ſterl.

diſcharge from the ballaſt-maſter, refuſal of diſcharge.

Licences to lighter-men.

IX. *ſect.* 9. The ſaid lord mayor, ſheriffs, commons, and citizens, are hereby impowered to grant licences to ſuch lightermen or owners of lighters or veſſels above the burthen of ten tuns, as ſhall be employed to carry goods or merchandize to or from any ſhips or veſſels in the ſaid harbour of Dublin.

Security to be given,

(2) Provided the owners of ſuch lighters or veſſels for this purpoſe ſhall have entered into ſecurities, in two hundred pounds before the lord mayor of the city, and conditioned to keep up their ſaid lighters or veſſels in good order and condition, and to abide and be determined by ſuch reaſonable and accuſtomed rates for freight or carriage of goods within the ſaid harbour, as by the committee herein after mentioned, and hereby conſtituted, may be fixed and agreed upon at the granting of ſuch licences.

rates for carriage.

Penalty for offences.

(3) And if any lighter or veſſel above the burthen of ten tuns as aforeſaid, ſhall be found laden with goods or merchandize within the ſaid harbour, and ſhall not be ſo licenſed, or that the owners of ſuch lighters or veſſels ſhall refuſe to enter into ſecurity, and perform the requiſites enjoined by this act as aforeſaid, for every ſuch offence the owner or maſter of ſuch lighter or veſſel ſhall forfeit five pounds, to be recovered in a ſummary way before the chief magiſtrate of ſaid city of Dublin, to be levied on his warrant by diſtreſs, and by the ſale of the offenders goods and chattles.

Money ariſing by this act, paid to the ballaſt-maſter.

X. *ſect.* 10. All ſums of money ariſing, growing due, or levied from time to time by virtue of this act, whether by way of rates, duties, forfeitures, or otherwiſe, ſhall be paid to the ſaid ballaſt-maſter of the ballaſt-office of the port of Dublin, to be iſſued out by him from time to time for the purpoſes of this act.

Overplus applied,

(2) And in caſe there ſhall be any overplus remaining after all incident charges, ſalaries and neceſſary expences attending the execution thereof ſhall be anſwered, the ſame ſhall be applied towards carrying on the ſouth wall, commonly called the ballaſt-office wall in the harbour of Dublin.

Account of receipts and application.

XI. *ſect.* 11. The ſaid lord mayor, ſheriffs, commons, and citizens, ſhall once in every three years lay before the lord lieutenant or other chief governors of this kingdom, and the privy council of the ſame, ſuch true and perfect account of the receipts and application of the ſeveral ſums of money paid and received in purſuance of this act, as they the ſaid lord mayor, ſheriffs, commons, and citizens, are required to do by the act of the ſixth of Queen Ann, touching the monies ariſing by force of the ſaid laſt mentioned act, and under the like penalty for default thereof.

Act of the ſixth of Queen Ann.

Aſſembly of the common council,

XII. *ſect.* 12. Within ten days after the firſt day of May, 1764, the lord mayor of the city of Dublin, ſhall in the uſual manner convene an aſſembly or common council of the ſaid city, and the maſters of the guild of merchants of the ſaid city, ſhall alſo at ſome convenient time within the ſaid ten days, by publick notice, to be given for that purpoſe in the Dublin Gazette, convene at the common hall of the ſaid guild an aſſembly of ſuch of the members thereof as ſhall, as merchants have at the time of holding

notice in the Gazette.

ing

ing ſuch aſſembly the allowance of ſix and ten *per cent.* at the cuſtom-houſe.

(2) And at the ſaid reſpective aſſemblies of the ſaid common council, and of ſuch freemen of the guild of merchants ſo qualified as aforeſaid, five perſons ſhall be elected by the board of aldermen, or the uſual *quorum* of them, from among ſuch of the aldermen as ſhall at the time of ſuch election have, and be intitled to the ſaid allowance; and the commons of the ſaid common council, or the uſual *quorum* of them, ſhall alſo elect ten perſons from among ſuch of their body, as ſhall at the time of ſuch election be in like manner qualified. Qualification required, five aldermen, ten common councilmen.

(3) And the ſaid freemen of the guild of merchants, not being leſs in number than thirty perſons then preſent, ſhall elect fifteen perſons from among ſuch of their body as not being then of the board of aldermen, nor of the commons of the common council, ſhall at the time of ſuch election have, and for three years next before ſhall have continued to have the benefit of the ſaid allowance, which ſaid five, ten, and fifteen perſons ſo to be reſpectively elected, ſhall together with the lord mayor and ſheriffs of the ſaid city for the time being, be a committee for the purpoſe herein mentioned, and ſhall continue ſo to be until the third day after the firſt general quarterly aſſembly of the common council of the ſaid city, which ſhall be held in the year 1766. Fifteen of the guild, &c. committee.

(4) At which general aſſembly of the ſaid city, the lord mayor and board of aldermen, or the uſual *quorum* of them, and the ſheriffs of the ſaid common council, or the uſual *quorum* of them, ſhall reſpectively elect to be of the ſaid committee ſo many and ſuch perſons ſo as aforeſaid qualified, as they are herein before reſpectively impowered and directed to elect for that purpoſe. Firſt general aſſembly in 1776, new election.

(5) And on the day next immediately following the day on which the ſaid general aſſembly of the ſaid city ſhall be held, ſuch freemen of the ſaid guild of merchants, ſo as aforeſaid qualified, for having the benefit of the ſaid allowance, ſhall be convened by the maſters of the ſaid guild, and being ſo aſſembled and convened, and being in number not leſs than thirty, ſhall elect, to be of the ſaid committee, ſo many and ſuch perſons ſo as aforeſaid qualified, as they are herein before impowered, and directed to elect for that purpoſe. Guild of merchants.

(6) Which ſaid ſeveral perſons ſo to be elected reſpectively by the lord mayor and aldermen, by the ſheriffs and commons, and by the ſaid freemen of the guild of merchants, ſhall together with the ſaid lord mayor and ſheriffs for the time being, be a committee for the purpoſes herein mentioned, ſhall continue ſo to be for three years next immediately following their ſaid election. Committee for three years.

(7) And the ſaid committee ſhall by the ſame manner of election be renewed from three years to three years for ever hereafter, the lord mayor and ſheriffs of the ſaid city being always members thereof.

(8) And whenever any vacancy ſhall happen between the times herein before appointed for the general election of the members of the ſaid committee by the death of any ſuch member, or by his refuſing to be or to continue a member, then, and ſo often as the caſe ſhall happen, and within fourteen days after it ſhall ſo happen, that body or claſs of electors who ſhall have elected the member by whoſe death or refuſal ſuch vacancy ſhall be occaſioned, ſhall for the filling up of the ſame elect in the manner herein before directed, Vacancies ſupplied, by a new election.

ted, ſome other perſon duly qualified as aforeſaid, ſeven days notice being previouſly given in the Dublin Gazette, of the time of ſuch election.

Licences to pilots.

XIII. *ſect.* 13. *To the end that none but ſuch as ſhall be duly qualified ſhall be appointed pilots or haven-maſters, or be licenſed as lighter men in purſuance of this act*, all the perſons ſo hereafter to be appointed or licenſed, ſhall previous to ſuch appointment, or to the granting of ſuch licence, and in order thereto be ſeverally nominated by the ſaid committee to the lord mayor of the ſaid city, who is required within ſeven days after every ſuch nomination ſo made and returned to him, to make out or cauſe to be made out a due appointment or licence, under the city ſeal according to ſuch nomination, unleſs within the ſaid ſeven days complaint ſhall be made to him in writing, under the hands of any two or more members of the ſaid committee, that any ſuch nomination had not been duly and regularly made by the ſaid committee, as not having been made by a competent number of the members thereof, or upon due notice given.

Nomination by the committee,

Appointment by the lord mayor,

Undue nomonation.

Hearing of complaints.

(2) And as often as any ſuch complaint ſhall be made, the ſaid lord mayor ſhall, within ſeven days after he ſhall receive the ſame, convene an aſſembly of the common-council of the ſaid city, who ſitting together in one room for this purpoſe, ſhall hear and determine the matter of ſuch complaint, and if the ſame ſhall not appear to them to be duly proved, they are hereby required to confirm the nomination ſo complained of, and to make an appointment, or grant a licence accordingly.

Salaries to pilots, &c.

XIV. *ſect.* 14. The ſaid committee are further impowered to fix and aſcertain the yearly ſalaries to be paid to ſuch pilots and haven-maſters reſpectively, not exceeding the yearly ſum of forty ſhillings for each pilot, and ſixty pounds for each haven-maſter.

Salary of haven-maſters.

(2) And to order and direct to be paid to any pilot, who ſhall actually pilot any ſhip into or out of the ſaid harbour of Dublin, ſuch ſum as, according to the rates herein before limited and appointed to be paid for the piloting of ſhips, ſhall appear to be due and payable to them for ſuch actual pilotage.

Rewards to pilots.

(3) And may over and above the yearly ſalaries ſo to be aſcertained for each pilot, over and above the ſums to be paid for ſuch actual pilotage as aforeſaid, order and direct any further ſums to be paid as rewards to any pilots for any extraordinary ſervices done by them, ſo as the ſums ſo ordered to be paid for ſuch extraordinary ſervices do not in the whole exceed fifty pounds in any one year.

Rewards to ſeamen,

not exceeding 5l.

XV. *ſect.* 15. The ſaid committee may aſcertain, order, and direct to be paid out of the monies ariſing by this act, to any ſeamen or perſons, who not acting then as licenſed pilots, ſhall in time of diſtreſs, aid, aſſiſt, or take charge of any ſhip or veſſel bound into or out of the ſaid harbour of Dublin, any ſum not exceeding five pounds, as an extraordinary reward, over and above any ſum which ſuch ſeamen or perſons, may be otherwiſe by law intitled to receive.

Regulations by the committee,

reaſonable penalties,

XVI. *ſect.* 16. The ſaid committee are alſo impowered to make ſuch orders and regulations as to them ſhall ſeem fit and neceſſary, to be obſerved by all ſuch pilots, haven-maſters, and lightermen, for the carrying on and promoting the purpoſes intended by this act, and may for the enforcing the obſervance of all ſuch orders and regulations, annex reaſonable penalties to the breach thereof, to be ſpecified in ſuch orders and regulations, not exceeding five pounds for each offence, and may alſo for juſt cauſe ſhewn to them, upon

on

on complaint made of any neglect, or miſbehaviour in any ſuch pilot, haven-maſter, or lighterman, touching the duty or buſineſs of his ſaid employment, ſuſpend or remove from his ſaid employment the perſon ſo offending, and may appoint ſome other fit perſon to act in his place, who is hereby authorized ſo to do, until a due appointment ſhall be made purſuant to the direction of this act. Suſpenſion or removal.

XVII. *ſect.* 17. For the tranſacting of the ſeveral matters aforeſaid, the ſaid committee ſhall meet at ſome convenient fixed place within the city of Dublin, ſome certain day and hour, once in every fortnight, or oftner if neceſſary, three days notice being given of ſuch extraordinary meeting by the lord mayor in the Dublin Gazette, which notice he is hereby required to give, or cauſe to be given, upon any application made to him for that purpoſe, in writing under the hands of any three or more of the ſaid committee. Meetings of the committee, notice of extraordinary meetings.

(2) And the ſaid ballaſt-maſter of the ballaſt-office, is hereby required from time to time, upon the order of the ſaid committee, to iſſue and pay out of the monies to be raiſed and levied by virtue of this act, ſuch ſums as ſhall be neceſſary for carrying into execution the purpoſes thereof, and alſo ſuch further ſums as ſhall be wanting for the neceſſary expences attending the meetings of the ſaid committee, for the convenient carrying on and tranſacting of their buſineſs, ſo as ſuch further ſums ſo to be iſſued and paid do not in any one year exceed one hundred pounds in the whole. Orders for payments, expences of meetings.

XVIII. *ſect.* 18. All meetings of the ſaid committee to be held in purſuance of this act, any number of members preſent not being leſs than ſeventeen, ſhall be a number ſufficient for ordering, management, and tranſacting of all matters relative to the nominating and diſplacing of haven-maſters, pilots, and lightermen, and to the making of orders and regulations for the direction of their conduct, and to the making or iſſuing orders for the payment of money. Quorum of the committee.

(2) And a number not leſs than eleven, ſhall be ſufficient for all other their more ordinary buſineſs, and that at all meetings the lord mayor when preſent ſhall preſide, and in caſe of his abſence, the members then preſent being a number competent for the buſineſs then to be tranſacted, ſhall appoint a preſident for that time. Quorum for the ordinary buſineſs, lord mayor to preſide, &c.

XIX. *ſect.* 19. All penalties impoſed by this act, and which ſhall be impoſed in purſuance of any power or authority thereby given, ſhall be recovered in a ſummary way before the lord mayor of the ſaid city, and levied on his warant by diſtreſs and ſale of the goods of the offender. Penalties recoverable, warrant of diſtreſs.

XX. *ſect.* 20. This act ſhall be a publick act, and ſhall be taken notice of as ſuch by all courts of law and equity within this kingdom, without being ſpecially pleaded, and the expences of paſſing the ſame, ſhall be paid out of the firſt monies to be raiſed in virtue thereof. Publick act, expences of this act.

(2) And if any action ſhall be brought, or ſuit commenced againſt any perſons, for any thing done in purſuance of this act, or in relation to the premiſſes, or any of them, every ſuch action ſhall be brought within three months. Limitation of actions.

XXI. *ſect.* 21. Provided, that nothing herein contained ſhall extend, to the taking away or leſſening any right, power, or authority whatever now legally veſted, by virtue of the act (6 *Ann. cap.* 20) or otherwiſe in the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, or in any officer duly authorized by them. Saving of rights, under former act.

XXII. *ſect.*

Recital of former act,

XXII. *ſect.* 22. *Whereas by the ſaid act* (6 Ann. cap. 20.) *the ſaid lord mayor, ſheriffs, commons, and citizens, are impowered to make ſuch orders, rules, and bye laws, for the ſecuring of all ſhips which ſhall come into the ſaid port, as ſhall from time to time be approved, ratified, and confirmed, by the lord lieutenant, or other chief governors of this kingdom, and ſix or more of the privy council of the ſame*; the penalties to be impoſed by any by-laws, which ſhall hereafter be made in purſuance of the ſaid recited act, and with the approbation thereby required, where ſuch penalties ſhall not exceed ten pounds for each offence, may be ſued for and recovered by civil bill, to be brought in the name of the ballaſt maſter of the ballaſt office of the ſaid city, before any judge or judges, or in any court having juriſdiction to hear and determine civil bills for the county, city, or county of a city, within which any ſuch offence ſhall have been committed, and all ſums and penalties ſo to be recovered, ſhall be applied to the purpoſes of the ſaid act.

penalties impoſed,

recovery by civil bill,

application of the money.

On a committee by 3 G. 3. c. 15. ſec. 15. eleven members ſufficient as to haven-maſters, pilots, and lighter men, and orders for money: 5 for more ordinary buſineſs.

XXIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *ſect.* 12. Whereas by an act third of his preſent majeſty, for ſecuring ſhips trading to Dublin, a committee was appointed, not being leſs than ſeventeen: after the 1ſt of May 1772, at all meetings of ſaid committee, any number of members, not leſs than eleven, ſhall be ſufficient for the ordering, management, and tranſacting of all matters relative to nominating and diſplacing haven-maſters, pilots, and lightermen, and to the making orders, and regulations for the direction of their conduct, and to the making or iſſuing orders for payment of money, and a number not leſs than five ſufficient for all other their more ordinary buſineſs, purſuant to the powers veſted in ſaid committee by ſaid act; any thing in ſaid act to the contrary notwithſtanding.

Dublin, Hay and Straw.

Weight of every load.

I. *Stat.* 4 *Geo.* 1. *cap.* 11. *ſect.* 13. Every carr load of hay bought, brought or offered to be ſold as a full carr load of hay, in any place within the city of Dublin, or liberties thereof, or within the liberties of Saint Sepulcher, Thomas-court or Donore, ſhall contain four hundred weight, each hundred containing five ſcore and twelve pounds.

Deficiency of weight.

(2) And if any carr load of hay ſhall be bought, brought or offered to be ſold as a full carr load of hay within the ſaid city or places, that ſhall be of leſs weight than as aforeſaid, the perſons ſo ſelling, bringing or offering ſuch hay to be ſold, ſhall forfeit every load of hay that is not of the weight aforeſaid, and alſo two ſhillings and ſix pence.

Conviction for offences.

(3) And the lord mayor of the ſaid city of Dublin, and the juſtices of the peace thereof, and every of them, and the reſpective ſeneſchals of the ſaid liberties of Saint Sepulcher, Thomas-court and Donore, and all juſtices of the peace for the county of Dublin, within their ſeveral limits reſpectively, ſhall have power upon their own knowledge, or view or confeſſion of the party, or proof of one credible witneſs upon oath, before any of them, to convict any perſon of the offence aforeſaid, whereby ſuch perſons ſo convict ſhall incur the penalty aforeſaid, one moiety whereof ſhall be diſpoſed of for the relief of the poor of the pariſh, or place where the offence ſhall be committed, to be paid to the church wardens or overſeers of the poor of the ſame for that uſe, and the other moiety thereof to them that ſhall diſcover or proſecute the ſame, in caſe the ſaid conviction be by diſcovery and proſecution.

(4) And

(4) And if the conviction ſhall be by the view or knowledge of the ſaid lord mayor, ſeneſchals or juſtices of the peace, or any of them, then one half of the penalty ſhall be diſpoſed of to the relief of the poor as aforeſaid, and the other moiety to be employed towards paving and repairing of the highways within the county and ſuburbs of the city of Dublin and liberties aforeſaid. View of magiſtrate.

(5) And if the ſum ſo forfeited be not paid on demand; the ſame ſhall be levied by diſtreſs and ſale of the goods of the offender, by warrant under the hand and ſeal of the ſaid lord mayor, ſeneſchals or juſtices of the peace of the place where the offence was done, or where the offender dwells, rendering the ſurpluſage to the owner. Warrant of diſtreſs.

II. *ſect.* 14. If any of the perſons aforeſaid ſhall mix any dirt, ſtones or gravel, or wet their hay, or uſe any other fraud to make any carr load of hay to be of the weight preſcribed by this act, ſuch perſon being thereof convict in manner aforeſaid, ſhall incur the like forfeitures and penalties as if the ſaid carr load of hay was not of the weight by this act directed. Fraud in the weight.

III. *ſect.* 15. And if any ſuit ſhall be proſecuted againſt any perſons for any thing done in purſuance of this act, every perſon ſo ſued may plead the general iſſue, *&c.* and if the plaintiff ſhall become non-ſuit or diſcontinue the ſuit, or if a verdict ſhall paſs againſt him, the defendants ſhall recover double coſts. General iſſue.

IV. *Stat.* 11 *Geo.* 2. *cap.* 11. *ſect.* 11. Every carr load of ſtraw ſold or offered to be ſold as a full carr load in any place within the city of Dublin, or liberties thereof, or within the liberties of Saint Sepulcher's, Thomas-court, Donore, and Saint Patrick's-cloſe, ſhall contain full four hundred weight, each hundred containing five ſcore and twelve pounds *Avoirdupois* weight. Weight of ſtraw.

(2) And if any carr load of ſtraw ſhall be ſold, or offered to be ſold, as a full carr load, within the city or places, that ſhall be of leſs weight than as aforeſaid, the perſons ſelling or offering ſuch ſtraw to be ſold, ſhall forfeit every ſuch load of ſtraw, if unſold, or the value thereof if ſold, and alſo the ſum of two ſhillings and ſix pence. Deficiency in weight.

(3) And the lord mayor of the city of Dublin, and the juſtices of the peace thereof, and every of them, and the reſpective ſeneſchals of the ſaid liberties, and all juſtices of the peace for the county of Dublin, within their ſeveral limits, ſhall have power and authority, upon their own knowledge, or view, or confeſſion of the party, or proof of one credible witneſs upon oath before them, to convict any perſon for the offence aforeſaid, whereby ſuch perſons ſo convicted, ſhall incur the penalty and forfeiture aforeſaid, one moiety whereof ſhall be employed for the relief of the poor of the pariſh, or place where the offence ſhall be committed, to be paid to the church wardens or overſeers of the poor of the ſame, for that uſe, and the other moiety thereof to them that ſhall diſcover or proſecute the ſame, if the ſaid conviction be by diſcovery and proſecution. Conviction for offence.

(4) And if the conviction ſhall be by the view or knowledge of the ſaid lord mayor, ſeneſchal, or juſtice of the peace, or any one or more of them, then one half the penalty ſhall be diſpoſed of to the relief of the poor as aforeſaid, and the other moiety to be employed towards paving and repairing of the highways within the county and ſuburbs of the city of Dublin, and the liberties aforeſaid. View of magiſtrate.

(5) And if the ſaid ſum ſo forfeited, be not paid on demand, the ſame ſhall be levied by diſtreſs and ſale of the goods of the offender, by warrant under the hand and ſeal of the ſaid lord mayor, ſeneſchal, or juſtice of the peace where the offence was done, or where the offenders dwell, rendering the overplus to the owner.

This act is made perpetual, by Stat. 1 *Geo.* 3. *cap.* 17. *ſect.* 9.

Dublin, Hoſpitals.

Stephens's hoſpital,

I. *Stat.* 3 *Geo.* 2. *cap.* 23. *ſect.* 1. There ſhall be a corporation to continue for ever for the execution of the will of doctor Richard Stephens, ſo far as the ſame relates to building within the city of Dublin, an hoſpital for maintaining and curing ſuch ſick and wounded perſons whoſe diſtempers and wounds are curable, and to anſwer the ſeveral intents and purpoſes therein contained, or herein after mentioned, which

corporation.

corporation ſhall conſiſt of the lord primate of all Ireland, the lord high chancellor of Ireland, the lord archbiſhop of Dublin, the chancellor of the exchequer, the lord chief juſtice of the King's bench, the lord chief juſtice of the common pleas, the lord chief baron of the exchequer, all for the time being; the reſpective deans of Chriſt-church, and Saint Patrick's Dublin, the provoſt of Trinity College near Dublin, and the chirurgeon general of Ireland, for the time being, *and others named in this act.*

Election on vacancies.

II. *ſect.* 2. Upon the death of any perſon, whoſe name is herein particularly mentioned, whereby a vacancy of a governor ſhall happen, the governors of the ſaid hoſpital, or the major part of them, five at leaſt conſenting, ſhall, within three calendar months after, elect ſome other fit perſon to be a governor in the place of ſuch perſon dying; and as often as any vacancy ſhall happen in the place of any of the perſons hereafter to be elected to ſucceed therein, ſome other perſon ſhall in like manner be elected, which perſon ſo elected ſhall be deemed a governor of the ſaid hoſpital.

Notice to governors.

III. *ſect.* 3. Provided that before every ſuch election of a governor, eight days notice in writing ſhall be given to the governors of the day, time, and place of ſuch election, to be left at their uſual place of abode, if in the city of Dublin, or the ſuburbs or liberties thereof, and for want of ſuch notice the election ſhall be void, and the governors may proceed to a new election.

Corporate body.

IV. *ſect.* 4. The aforeſaid perſons, and their ſucceſſors, ſhall be one body corporate, for the purpoſes in this act contained, and ſhall have perpetual ſucceſſion, and be called by the name of the governors and guardians of the hoſpital founded by doctor Richard Stephens, and they ſhall be enabled to plead and ſue, and to be ſued and impleaded by that name in all courts, and may appoint a common ſeal.

Rules for government.

V. *ſect.* 5. The ſaid governors and guardians of the ſaid hoſpital and their ſucceſſors are authorized to meet as often as there ſhall be occaſion; and the ſaid governors or their ſucceſſors, or any five of them, whereof the lord chancellor or one of the chief judges for the time being, to be always one, ſhall have power to conſider of, and by the votes of the major part ſo aſſembled, to make rules for the better government of the ſaid hoſpital, and to revoke or alter the ſame at their diſcretion.

Officers and ſervants.

(2) To which rules all officers and ſervants belonging to the ſaid hoſpital, who ſhall be appointed by the votes of the major number of ſuch of the ſaid governors

governors ſo aſſembled, five at leaſt being preſent, and all ſick and wounded perſons who ſhall be within the ſame, ſhall pay due obedience.

(3) And in caſe ſuch officers and ſervants, or ſick or wounded perſons, ſhall refuſe to obey the ſame, the governors at any aſſembly, by the votes of the major number, five at leaſt being preſent, are authorized to ſuſpend or deprive ſuch officers or ſervants of their offices, and to remove ſuch ſick and wounded perſons out of the ſaid hoſpital, or for ſuch offences to appoint any leſſer puniſhment to be inflicted on ſuch officers or ſervants, and ſuch ſick and wounded perſons. Diſobeying orders.

VI. *ſect.* 6. And after the deceaſe of Grizel Stephens, all the real eſtate of the ſaid doctor Richard Stephens, ſhall be veſted in the ſaid governors and their ſucceſſors for ever, upon the ſeveral truſts, and to the uſes, and under the ſame reſtrictions, as by the laſt will of the ſaid doctor Richard Stephens are limited, and the ſum of one thouſand pounds bequeathed by the will of Eaſter Johnſon, ſhall be veſted in the ſaid governors, upon the truſts and for the purpoſes in the laſt will of the ſaid Eaſter Johnſon appointed. Eſtate veſted in the governors.

VII. *ſect.* 7. The ſaid governors and their ſucceſſors may without licence in mortmain, purchaſe or receive any lands, &c. not exceeding the value of two thouſand pounds *per annum* in the whole of the alienation, gift, or deviſe of any perſons having a right, and not being otherwiſe diſabled, to alien, grant, or deviſe the ſame, who are hereby enabled to transfer and grant the ſame, or any goods and chattles perſonal, as well for finiſhing the building, as for the relief, ſupport, and maintenance of the ſick and wounded perſons to be placed in the ſaid hoſpital. Purchaſe lands.

(2) And John Montgomery and captain Alexander Auchinlecke, truſtees in the will of colonel Alexander Montgomery, are hereby enabled to convey the field and right of commonage in Dolphin's-barn to the ſaid governors and their ſucceſſors, according to the intent of the laſt will and teſtament of the ſaid colonel Alexander Montgomery, which ſhall be as effectual as if ſuch conveyance had been made to the truſtees in the will of the ſaid doctor Stephens. Truſtees may convey.

VIII. *ſect.* 8. It ſhall be lawful for the ſaid governors by indenture under their common ſeal to demiſe or leaſe any lands, &c. veſted in them in purſuance of this act, for any term of years in cities or towns corporate, not exceeding ſixty one years, and in any other place not exceeding thirty one years, ſo as there be reſerved and made payable half yearly to the governors and their ſucceſſors during the ſaid term, as much rent as can, at the making ſuch leaſe, be really and *bona fide* gotten for the ſame from a ſolvent tenant, and ſo as no fine or other conſideration be taken for the ſame, and that every ſuch demiſe or leaſe be made in poſſeſſion and not in reverſion. Demiſing lands. No fine.

IX. *ſect.* 9. And all leaſes made of ſuch lands in any other manner ſhall be *ipſo facto* void. Leaſes void.

X. *ſect.* 10. This act ſhall be deemed a publick act, and all judges are required as ſuch to take notice thereof, without ſpecially pleading the ſame. Publick act.

XI. *Stat.* 23 *Geo.* 2. *cap.* 18. *ſect.* 1. There ſhall be a body corporate for ever for the execution of the grant of Mary Mercer, ſo far as the ſame relates to the hoſpital by her erected, which ſhall conſiſt of the lord primate, lord chancellor, ſpeaker of the houſe of commons, archbiſhops of Dublin and Tuam, and their ſucceſſors, &c. Mercer's hoſpital.

XII. *ſect.* 2. And upon the death of any perſon whereby a vacancy of a governor ſhall happen, the governors of the hoſpital, or any five of them ſhall by ballot within two months after elect ſome fit perſon to be a governor in the Election upon vacancies.

ſtead of ſuch perſon: and the governors, or any five of them, may elect by ballot ſuch fit perſons, over and above the preciſe number herein mentioned, to be governors of the ſaid hoſpital, as they ſhall think likely to promote the charitable deſigns of the ſaid Mary Mercer.

Corporation. XIII. *ſect.* 3. The ſaid perſons and their ſucceſſors, from the ſaid time, ſhall be enabled to ſue and be ſued by the name of the governors of Mercer's hoſpital, and may appoint common ſeals for the uſe of the ſaid corporation.

Regulations for the hoſpital. XIV. *ſect.* 4. The ſaid governors and their ſucceſſors are authorized to meet as often as there ſhall be occaſion, and any five of them being aſſembled ſhall have power to make ſuch regulations for the better management of the ſaid hoſpital as they ſhall think convenient, and to alter the ſame at their diſcretions; to which regulations all officers and ſervants belonging to the ſaid hoſpital, except the apothecary, and all ſick perſons who ſhall be in the ſame ſhall be ſubject and pay due obedience thereto.

Diſobedience to orders. (2) And in caſe ſuch officers and ſervants, or ſick perſons, ſhall not conform to and obey the ſame, the governors at any aſſembly, five being preſent, ſhall have power to ſuſpend or deprive ſuch officers or ſervants, and to remove ſuch ſick perſons out of the hoſpital, or to appoint any leſſer puniſhment in their diſcretion.

Phyſicians and ſurgeons. XV. *ſect.* 5. The phyſicians and ſurgeons, two thirds of them conſenting, ſo long as they ſhall continue to attend the hoſpital without fee, ſhall have power to encreaſe their number as they ſhall ſee fit, and to appoint an apothecary to attend the ſaid hoſpital, and for any miſbehaviour to remove him and appoint any other.

Purchaſe lands. XVI. *ſect.* 6. The governors of the ſaid hoſpital and their ſucceſſors may without licence in mortmain, purchaſe and take lands, &c. not exceeding the value of two thouſand pounds a year or any perſonal eſtate whatſoever, as well for the enlargement of the building, as for the maintenance of the ſick to be placed in the ſaid hoſpital.

Ability to convey. (2) And the grantees in the deed of Mary Mercer, and alſo the truſtees of the hoſpital, are enabled to convey the building and the ground, &c. to the governors of the ſaid hoſpital and their ſucceſſors upon the truſts and to the uſes by the ſaid deed limited: and the leaſe made by Mary Mercer, and the other recited grants, and any other to be made as aforeſaid, ſhall be good and effectual in law.

Recovering bequeſts. XVII. *ſect.* 7. The governors of the ſaid hoſpital and their ſucceſſors ſhall have power to recover all bequeſts made in truſt to any perſon for the benefit of the ſaid hoſpital, previous to the ſaid 25th March 1750.

Grant of ground. XVIII. *ſect.* 8. The miniſter, church wardens, and pariſhioners of St. Peter, may grant in perpetuity, to the governors of the ſaid hoſpital, the ground on which the hoſpital ſtands, and the ground which came by meſne aſſignments from Edward Burleigh to the ſaid truſtees, and any other part of the old church yard of St. Stephens, which may be uſeful to the hoſpital.

Power of leaſing. XIX. *ſect.* 9. The governors of the ſaid hoſpital may by indenture under their common ſeal, leaſe any lands veſted in them for any term not exceeding thirty one years, ſo as there be reſerved and made payable half yearly to the governors as much rent as can, at the making ſuch leaſe, be had from a ſolvent tenant, and ſo as no fine be taken for the ſame, and that ſuch leaſe be made in poſſeſſion: leaſes made in any other manner ſhall be void.

Dean of Chriſt-church. XX. *ſect.* 10. The dean of Chriſt-church, with the conſent of the chapter, may grant to the governors of the ſaid hoſpital, in fee farm, a piece of waſte ground

ground adjoining to St. Stephen's old church yard, provided ſuch grant be made without any fine.

XXI. *ſect.* 11. This act ſhall be deemed a publick act: ſaving to all perſons, &c. their rights.

Dublin, Infirmaries.

I. *Stat.* 5 *Geo.* 3. *cap.* 20. *ſect.* 25. *And whereas three publick infirmaries or hoſpitals have been erected in the city of Dublin, one called the Charitable Infirmary on the Inns Quay, another Mercer's Hoſpital in Saint Stephen's Street, and a third the Hoſpital for Incurables on Lazer's Hill, and are ſupported by voluntary ſubſcriptions, which ſubſcriptions are not ſufficient for providing phyſicians or ſurgeons, and alſo food, medicines, and other neceſſaries for the poor patients therein*; therefore it is enacted, that the yearly ſum of one hundred and fifty pounds ſhall be paid out of the publick money to the treaſurers of the ſaid Charitable Infirmary, Mercer's Hoſpital, and the Hoſpital for Incurables, to be equally divided between the ſaid infirmary and hoſpitals; the ſaid ſum of one hundred and fifty pounds ſhall be paid half yearly by the vice treaſurers of this kingdom, or their deputies, the firſt payment thereof to be made on the twenty fifth day of December next, each treaſurer reſpectively giving his receipts for the proportion he ſhall receive of the ſame; which ſaid receipts ſhall be allowed as voucher to the ſaid vice treaſurers, or their deputies in paſſing their accounts. Payments by the treaſury. receipts for payment.

II. *ſect.* 26. The grand jury of the county of the ſaid city of Dublin, at the next Trinity term, after the end of this preſent ſeſſion of parliament, and at every Trinity Term afterwards, ſhall have power to preſent a ſum not exceeding one hundred and fifty pounds, nor leſs than ſeventy five pounds, to be raiſed on the county of the ſaid city, and paid to the treaſurer thereof, to be by him paid over to the treaſurer of the ſaid infirmary and hoſpitals, to wit, a ſum not exceeding fifty pounds to the treaſurer of the ſaid Charitable Infirmary, a ſum not exceeding fifty pounds to the treaſurer of the ſaid Mercer's hoſpital, and a ſum not exceeding fifty pounds to the treaſurer of the ſaid Hoſpital for Incurables on their reſpective drafts or receipts, which drafts or receipts ſhall be allowed as vouchers to the treaſurer in the county of the ſaid city in the paſſing of his accounts. Grand jury preſentments.

III. *ſect.* 27. The money ſo to be paid by the vice treaſurers of this kingdom, or their deputies, to the treaſurer of each of the ſaid infirmaries and hoſpitals, ſhall be applied by the governors of the ſaid infirmary and hoſpitals, in payment of phyſicians and ſurgeons for the ſame, or for ſuch other purpoſes as the governors of the ſaid infirmary or hoſpital, ſhall reſpectively find adviſeable for the benefit of ſaid infirmary or hoſpitals, and the patients therein. Application of the money.

IV. *ſect.* 28. And the money ſo to be raiſed by the grand jury of the county of the ſaid city, and to be paid to the treaſurer of each of the ſaid infirmaries and hoſpitals ſhall be applied by the governors of the ſame, in providing food, medicines, and other neceſſaries for the patients; in repairing the ſaid infirmary and hoſpitals, and the furniture thereof, and in paying the rents of the ſaid infirmary and hoſpitals. Proviſions, &c. for patients.

Dublin, Lamps. *Vide* Streets.

Truſtees appointed.

I. *Stat.* 6 *Ann. cap.* 19. *ſect.* 1. The houſe built by Narciſſus archbiſhop of Armagh, *for a publick library for the uſe of all perſons who ſhall reſort thereto at the hours appointed for the library keeper's attendance, and ſhall conform themſelves to the rules of the governors thereof*, the ground on which it ſtands, the garden or court thereto belonging, and the parcel of ground laid out for the enlargement of the ſaid houſe, and for a way thereto from the archbiſhop of Dublin's palace, and the ground laid out for a way to the ſaid houſe from St. Patrick's-cloſe; and all the books, chains, rods, claſps, locks and keys, and alſo all the claſſes, ſhelves, deſks, tables, and all other appurtenances to the ſaid houſe and library belonging, are veſted in the archbiſhop of Armagh, the lord chancellor of Ireland, the archbiſhop of Dublin, the lord chief juſtice of the court of chief place, the lord chief juſtice of the common pleas, the lord chief baron of the exchequer, the dean of the cathedral church of the Holy Trinity Dublin, the dean of the cathedral church of St. Patrick's Dublin, and the provoſt of Trinity college near Dublin, for the time being, and their ſucceſſors, in truſt for the uſes in this act mentioned.

Diſcharge from claims and incumbrances.

(2) And the ſame ſhall remain in the ſaid truſtees and their ſucceſſors unalienable, and without their being capable of forfeiting, ſelling, or diſpoſing of the ſame otherwiſe than as in this act is hereafter mentioned, and alſo diſcharged from all judgments, &c. and all other incumbrances; and alſo from all right, &c. of the ſaid Narciſſus archbiſhop of Armagh, his executors or adminiſtrators, and of the archbiſhop of Dublin, and his ſucceſſors, and the dean and chapter of St. Patrick's Dublin, and their ſucceſſors, and of Mr. Bohereau, his executors or adminiſtrators.

Diſcharge from all taxes.

(3) And alſo diſcharged from all taxes and chimney money, hearth money, and lamp money, and from all charges hereafter to be impoſed by act of parliament, unleſs the ſame ſhall be charged by name in ſuch future acts of parliament.

Corporation created.

II. *ſect.* 2. *The truſtees in the foregoing clauſe named*, are created a corporation or body politick for the purpoſes in this act contained only, and appointed governors and guardians of the ſaid houſe and library.

Making rules for the houſe. &c.

(2) And the ſaid governors and guardians, or any three of them, the archbiſhop of Dublin being preſent, but in caſe the archbiſhop of Dublin be out of this kingdom, or be ſick, or during the vacancy of the ſee of Dublin, any five of the ſaid governors are authorized to meet as often as there ſhall be occaſion to conſider of, and to make rules for the better management of the ſaid houſe and library.

Library keeper.

(3) To which rules the library keeper ſhall be ſubject, and ſhall obſerve on pain of being ſuſpended from the ſaid office, and from the profits, lodgings, and perquiſites thereto belonging, during the pleaſure of the ſaid governors.

Deprivation for diſobedience.

III. *ſect.* 3. And in caſe the ſaid library keeper ſhall continue obſtinate ſeven days after his being ſuſpended, and will not obſerve the orders of the ſaid governors, the ſaid governors, or any five of them, the archbiſhop of Armagh, or the archbiſhop of Dublin being preſent, are authorized to meet together, and to deprive the ſaid library keeper of the ſaid office, and to take from him the income and perquiſites to the ſaid office belonging, from the time of his continuing and being declared obſtinate, and another library keeper ſhall be appointed as if the library keeper ſo deprived were dead.

IV. *ſect.*

IV. *ſect.* 5. Whenſoever either the chantorſhip or treaſurerſhip of the cathedral church of St. Patrick's, Dublin, ſhall become void, ſuch of the ſaid dignities as ſhall firſt become void, ſhall be conferred on the keeper of the ſaid library, who ſhall enjoy the ſame during his continuance in the ſaid employment, ſubject nevertheleſs as a dignitary of the ſaid cathedral church to all juriſdictions, viſitations, &c. to which the chantor and treaſurer of the ſaid cathedral church are ſubject. Collation to the chantorſhip, &c.

V. *ſect.* 6. If the ſaid library keeper ſhall be legally deprived of his ſaid dignity conferred on him as aforeſaid, upon certificate to the governors of the ſaid library of ſuch deprivation, the ſaid library keeper ſhall be by the ſaid governors, or any three of them, alſo deprived of his office or keeper of the ſaid library, and another perſon ſhall be put in his place, as is before mentioned. Certificate of deprivation.

VI. *ſect.* 7. The nomination and appointment of a library keeper for the ſaid library, is veſted in the archbiſhop of Dublin, and it ſhall be lawful for the archbiſhop of Dublin, upon the death or preferment of the library keeper, or upon the ſurrender, forfeiture, or other avoidance of the ſaid office, to appoint a library keeper for the ſaid library, and the perſon ſo appointed ſhall be the library keeper, and be intitled to the lodgings or apartments under the ſaid library, or ſuch part thereof as the ſaid governors ſhall think fit, and the garden thereto allotted, and to the ſalary and other perquiſites to the ſaid office belonging. Nomination of a library-keeper.

(2) Provided, the perſon ſo appointed library keeper, be a preſbyter of the church of England or Ireland as by law eſtabliſhed, and that he has taken his maſter of arts degree in ſome of the univerſities of that part of Great Britain, formerly and commonly called England, or in Ireland. Qualifications required.

(3) And before his admiſſion to the office of library keeper, he ſhall give to the ſaid governors ſecurity to the value of five hundred pounds, by recognizance with ſufficient ſureties, that none of the books ſhall be loſt or embezzled, and ſhall alſo take the oath following, viz. Security to be given.

I A. B. *do ſwear, that I will uſe my utmoſt care and endeavour, to preſerve all the books and other things that are or ſhall be committed to my charge, by the governors and guardians of the publick library built and erected by Narciſſus, lord archbiſhop of Armagh, at or near to Saint Sepulchre's, Dublin, and that I will not wittingly or willingly ſuffer any of the ſaid books (during my continuance in the office of library keeper) to be lent abroad, given away, or embezzled, or to be any wiſe damnified through my default; and that I will to the utmoſt of my power obſerve all ſtatutes, rules, and conſtitutions already made, or hereafter to be made concerning the office of the ſaid library keeper, while the ſame ſhall continue in force, and I ſhall continue in the ſaid office.* Oath of the librarian.

So help me God.

(4) Which oath the archbiſhop of Dublin, or in caſe of his abſence from Dublin, ſickneſs or vacancy of the ſaid ſee, any two of the ſaid governors are authorized to adminiſter. Adminiſtration of the oath.

VII. *ſect.* 8. All lands, money, books, and other things, which ſhall be given or diſpoſed of, whether perſonally, or by deed or will to the uſe of the aforeſaid library, or office of library keeper, ſhall be veſted in the ſaid governors to the uſe of the ſaid library or library keeper, and to ſuch other uſes as ſhall be declared Gifts and deviſes veſted in the truſtees

or

or appointed by the perſons giving, granting, or deviſing the ſame, unalienable, and without their being capable of forfeiting, ſelling, or otherwiſe diſpoſing of the ſame, otherwiſe than as hereafter mentioned.

Truſtees capacitated.

(2) And the ſaid governors in their own names, as by the title of the governors and guardians of the library erected by Narciſſus, lord archbiſhop of Armagh, at or near to St. Sepulchre's, Dublin, are enabled to accept and receive ſuch gifts, grants, and legacies, and to ſtand ſeized thereof to the uſes aforeſaid, and be capable to ſue for the ſame in law or equity.

Endowment of a library-keeper.

VIII. *ſect.* 9. Provided, that if any perſons ſhall beſtow for the ſupport of the library keeper, and the ſucceeding library keepers, one hundred and fifty pounds per annum, or more, for ever, the afore mentioned dignity conferred on the library keeper, ſhall upon the next avoidance of the ſaid office be diſpoſed of in ſuch manner as if this act had never been made.

Nomination after.

(2) And when ſuch yearly ſum ſhall be given for the ſupport of the ſaid library keeper, the nomination of the library keeper when the ſaid office ſhall become vacant after the ſaid gift, ſhall be in ſuch manner as ſaid governors and ſuch perſons who give ſuch annual ſums ſhall appoint.

Perſon qualified.

(3) And the ſaid perſons hereby impowered to nominate a library keeper, ſhall not be obliged to chooſe a preſbyter, but from the time of the ſaid dignities being ſeparated from the ſaid office, are impowered to chooſe any perſon otherwiſe qualified as aforeſaid, for the ſaid office.

Changing duplicates.

IX. *ſect.* 10. Provided, that it may be lawful for the ſaid governors, or any three of them, to change any books which ſhall hereafter be given to the ſaid library, and whereof there are duplicates in the ſame, for other books to be put into the ſaid library, or to ſell ſuch duplicates, and with the money ariſing by the ſale thereof, to buy ſuch other books as they ſhall think proper to be put into the ſaid library.

Entry of gifts, grants, &c.

X. *ſect.* 11. The library keeper ſhall in a large vellum or parchment book prepared and given by Narciſſus, lord archbiſhop of Armagh, for that purpoſe, enter and keep an exact account of all gifts, grants, ſums of money, books, and of all other things which ſhall be given for the uſe of the ſaid library, with the names of the benefactors, the place of their abode, and to what uſes the ſame were given, and how the ſame are applied and diſpoſed of by the governors of the ſaid library, and the ſaid book ſhall be ſigned by the library keeper, and ſhall be expoſed to view in the moſt publick place of the ſaid library.

Copy of act and map of ground.

XI. *ſect.* 12. The library keeper, or ſome perſon to be appointed by the governors of the ſaid library, or any three of them, ſhall in a fair vellum or parchment book prepared for that purpoſe by the ſaid Narciſſus lord archbiſhop of Armagh, enter or cauſe to be fairly written this preſent act of parliament, together with a map of the ground hereby veſted in the ſaid governors, and all ſuch rules and orders as ſhall be made by the ſaid governors purſuant to this act, and the ſaid book ſigned by the ſaid governors ſhall be expoſed to view in the moſt publick place of the ſaid library.

Viſitation of the library.

XII. *ſect.* 13. The ſaid governors, or any three of them, whereof the archbiſhop of Dublin, unleſs then ſick, or out of this kingdom, or that the ſaid ſee ſhall be then vacant, ſhall always be one, and in caſe of ſuch abſence or ſickneſs one of the governors aforeſaid whom the ſaid archbiſhop, ſhall under his hand and archiepiſcopal ſeal appoint to be preſent,

and

and of that number, ſhall on the ſecond Thurſday in October in every year, perſonally viſit the ſaid library, and inſpect the ſtate and condition of the ſame, and of every thing therein contained, and at ſuch their viſitation make ſuch orders concerning the ſame, as to the major part of them ſhall ſeem convenient; and the ſaid governors may adjourn their viſitation as the major part of them ſhall think fit.

Three catalogues of the books.

XIII. *ſect.* 14. The library-keeper ſhall prepare on or before the firſt viſitation of the ſaid library, three fair catalogues of all the books and other particulars in the ſaid library, which ſhall be ſigned by the library-keeper, together with the names and titles thereof, one of which ſhall be conſtantly kept in the library, another ſhall be delivered by the library-keeper to the governors, who ſhall depoſit the ſame with the Archbiſhop of Dublin, to be kept for their uſe, and the third ſhall be lodged in the regiſtry of the Archbiſhop of Dublin; but in caſe it appears to the governors that the library-keeper cannot prepare the ſaid catalogues within the time above limited, the governors ſhall allow ſuch further time for the preparing the ſame, as to them ſhall ſeem convenient.

Catalogue of books, &c. to be given.

XIV. *ſect.* 15. If the ſaid library ſhall be augmented, the library-keeper ſhall make three fair catalogues of all ſuch books and other particulars wherewith the ſaid library ſhall be ſo augmented, and the ſame ſigned by him ſhall deliver to the governors at their next viſitation of the ſaid library, one whereof ſhall be by them depoſited in the library, another left in the cuſtody of the archbiſhop of Dublin for the uſe of the governors, and the third ſhall be lodged in the regiſtry of the archbiſhop of Dublin.

Notice to governors.

XV. *ſect.* 16. The archbiſhop of Dublin, or in caſe of his abſence or neglect, any two of the governors, are directed to give due notice, or ſend ſummons to each of the ſaid governors, of the time and place intended for the meeting of the governors for the purpoſes aforeſaid, twenty-four hours at the leaſt before the time of ſuch meeting.

Repair of the buildings.

XVI. *ſect.* 17. The keepers of the ſaid library ſhall maintain the ſaid library and the buildings thereof in good repair at their own charges, and in caſe they ſhall neglect the ſame, the archbiſhop of Dublin ſhall receive ſo much of the revenue of the ſaid library-keeper hereby granted, as ſhall be neceſſary for ſuch reparations, and apply the ſame accordingly.

Suſpenſion for neglect.

(2) And after the ſaid chantorſhip ſhall fall and be enjoyed by ſuch keeper of the ſaid library, the archbiſhop may ſuſpend ſuch keeper of the library neglecting to keep the ſame in reparation, *ab officio et beneficio*, until the ſame ſhall be ſufficiently repaired.

Saving of rights.

XVII. *ſect.* 20. Saving to her Majeſty, and to all other perſons, bodies politick and corporate, their heirs, executors, adminiſtrators, and ſucceſſors, other than the ſaid Narciſſus, lord archbiſhop of Armagh, and his executors and adminiſtrators, and the archbiſhop of Dublin, and his ſucceſſors, and the dean and chapter of the cathedral church of St. Patrick's Dublin, and their ſucceſſors, and Elias Bohereau, his executors and adminiſtrators, all ſuch right as any of them have to the ſaid houſe, ground, books, and any other the premiſſes herein mentioned, and intended to be veſted in the aforeſaid truſtees, for the reſpective uſes before mentioned, as if this act had never been made.

Dublin, Nuiſances. *Vide* Streets.

Dublin, Porters.

Porters names to be entered.

I. *Stat.* 3 *Geo.* 2. *cap.* 17. *ſect.* 12. Every perſon who plies for hire as a meſſenger or porter within the city and liberties of Dublin, ſhall enter his name in a book to be kept by the clerk or officer of the governors *of the work-houſe* who ſhall be appointed for that purpoſe, and ſhall alſo give ſuch ſecurity to the ſaid governors for his faithful and honeſt behaviour, as the ſaid governors ſhall approve of.

Badges or tickets

(2) And when they ſhall have ſo regiſtered their names and given ſuch ſecurity, the ſaid governors, or the perſons by them appointed, ſhall deliver to the ſaid porters a badge or ticket to be conſtantly worn on their outward garment in publick view, to denote their being regiſtered as aforeſaid; on which badge there ſhall be ſuch marks and inſcriptions as the ſaid governors ſhall think proper, for each of which badges, that ſhall be worn by ſuch porters, there ſhall be paid ſix pence.

Offender to be committed.

(3) And if any perſon ſhall ply for hire as a porter without being regiſtered and badged as aforeſaid, on complaint thereof made to the ſaid governors, they or any five of them ſhall, if they find ſufficient cauſe, commit ſuch perſons ſo offending to the houſe of correction, there to be confined for any term not exceeding ten days, and have ſuch correction given to them, as the ſaid governors or any five of them ſhall think proper.

Dublin, Saleſmen.

Security to be given.

I. *Stat.* 10 *Geo.* 1. *cap.* 10. *ſect.* 1. Any perſons taking upon them to ſell cattle or ſheep in the market of Smithfield as a ſaleſman, ſhall enter into and give ſufficient ſecurity by way of recognizance to the lord mayor of Dublin, to be approved of by the ſaid lord mayor, who is impowered to take the ſame, in the penalty of five hundred pounds, which recognizance ſhall be lodged in the Tholſel-office, to be peruſed and made uſe of without fee.

Condition of recognizance.

(2) And ſhall be made with condition that ſuch ſaleſmen ſhall faithfully and honeſtly account for, and pay ſuch ſums of money which they ſhall ſell any cattle or ſheep for, which ſhall be ſent to them to be ſold, and ſuch ſaleſmen ſhall make ſuch ſale publickly without fraud.

Penalty.

(3) And any perſon acting as a ſaleſman, not having given ſuch ſecurity as is before directed, ſhall for every ſuch offence forfeit ten pounds, to be paid to the informer, and to be recovered in manner aforeſaid.

Market-notes.

II. *ſect* 2. Every ſuch ſaleſman ſhall at the time that he ſhall account with his principal for any cattle by him ſold, give a note ſigned by him, in which ſhall be inſerted the names of the buyers of ſuch cattle, and the ſums of money they were ſold for.

Summons to buyers.

(2) And in caſe the owners of ſuch cattle ſhall think themſelves aggrieved, or defrauded, by the ſaid ſaleſmen, it ſhall be lawful for the lord mayor of Dublin, or any other magiſtrate, within the ſaid city or liberties thereof, at the requeſt of the parties aggrieved, to ſummon the buyers of ſuch cattle ſo ſold, and to examine on oath ſuch buyers, or other perſons as they ſhall think proper in relation to the ſale of the ſaid cattle.

Frauds of ſaleſmen.

(3) And if upon examination it ſhall be found that ſuch ſaleſmen ſhall have committed any fraud, in not juſtly accounting and paying for ſuch cattle, the lord mayor, or other magiſtrate, is required to bind over ſuch ſaleſmen to appear in *the* king's bench the firſt day of the following term, or at the quarter-

ſeſſions

ſeſſions for the city of Dublin, which ſhall firſt happen, in order to be proſecuted as a common cheat.

(4) And the recognizance ſhall alſo be put in ſuit againſt ſuch ſaleſmen and his ſureties, for the making ſatisfaction to the parties aggrieved, for the damages they ſhall by ſuch fraud have ſuſtained. Satisfaction for damages.

(5) And ſuch ſaleſmen ſhall enter into a new recognizance, with like ſureties and under the like conditions, before he ſhall be permitted to act as a ſaleſman as aforeſaid, under the like penalties as are herein before inflicted on a perſon acting as a ſaleſman without giving ſuch ſecurity. New recognizance.

III. *ſect.* 3. Provided that nothing herein contained ſhall hinder any perſons, or thoſe whom they immediately employ, other than ſuch ſaleſmen, from ſelling their cattle without any the reſtrictions aforeſaid. Owner of cattle.

IV. *ſect.* 4. If any ſuch ſaleſmen, or any perſons employed by them, ſhall uſe any means to hinder the owners of cattle, or their ſervants, from ſelling their own cattle in the ſaid market, and the ſame ſhall be proved before the lord mayor of Dublin, or ſuch magiſtrate as aforeſaid, they ſhall for every ſuch offence forfeit forty ſhillings, to be levied by diſtreſs and ſale of the goods of ſuch offender, by warrant of the ſaid lord mayor, or other magiſtrate as aforeſaid, and paid to the uſe of the poor of the ſaid city, returning the overplus. Obſtructing owners, &c.

(2) And in default of payment, and of ſufficient diſtreſs, the offender to be publickly whipt in the ſaid market, by virtue of ſome warrant under the hand and ſeal of the lord mayor, or ſuch magiſtrate. Publick whipping.

V. *ſect.* 5. And whereas perſons buying cattle in the country, to carry to be ſlaughtered, are often under a neceſſity to hire ſtrangers to drive the ſaid cattle, who often exchange, and diſpoſe of ſome of the beſt of the ſaid cattle, and put much worſe in their ſtead, and it is often practiſed by perſons that ſell parcels of cattle for ſlaughtering, that they do after ſuch ſale exchange part of the cattle ſold, for thoſe of a much leſs value; if any ſuch perſons ſhall knowingly exchange any ſuch cattle as aforeſaid, they ſhall be deemed common cheats, and ſhall pay to the party aggrieved, treble the damages by him or her ſuſtained, to be recovered by action of debt, &c. in any court of record at Dublin, wherein no eſſoign, &c. ſhall be allowed. Changing cattle.

VI. *ſect* 6. If any perſon buying ſheep or cattle, ſhall leave them on the graſier or ſeller's hands, longer than five days after the time limited to take off ſuch ſheep or cattle; after the expiration of the five days aforeſaid, the owner of ſuch ſheep or cattle is impowered to diſpoſe of his ſaid ſheep and cattle again, and the buyer of ſuch cattle ſhall be obliged to pay all damages ſuſtained by the owners of ſuch cattle on account of their not taking them away according to agreement. Leaving cattle on hands.

The act, 10 *Geo.* 1. *cap.* 10. *(for regulating abuſes committed in buying and ſelling of cattle and ſheep in the ſeveral markets in this kingdom) ſo far as it is not altered or amended by the act* 23 *Geo* 2. *cap.* 15. *and the ſaid laſt mentioned act, are made perpetual, by Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 7.

VII. *Stat.* 23 *Geo.* 2. *cap.* 15. *ſect.* 1. No perſon ſhall take upon them to ſell or expoſe to ſale, any cattle or ſheep in the market of Smithfield in Dublin as a ſaleſman, until ſuch perſon ſhall, with two perſons to be approved of by the lord mayor of Dublin, firſt give ſufficient ſecurity, by bond, before the ſaid lord mayor, in the penalty of one thouſand pounds; which bond ſhall be made payable to the ſaid lord mayor, and his ſucceſſors, lord mayors of Dublin. Bond with ſecurities.

Condition of bonds.

(2) And ſhall be made with condition, that ſuch ſaleſman ſhall fairly and honeſtly ſell ſuch cattle or ſheep, as he ſhall for that purpoſe be intruſted with, for the beſt prices that can be got for the ſame, and ſhall on demand, account for and pay, the money which he ſhall ſo ſell any cattle or ſheep for, to the owner; and that ſuch ſaleſman ſhall make ſale publickly, without fraud, within the times and in the manner, as by the act of 10 *Geo.* 1. *cap.* 10. is directed.

Lodged in the Tholſel-office.

(3) Which bond ſhall be lodged in the Tholſel-office of Dublin, there to remain, and to be peruſed without fee by any perſons, and to be for the benefit of all perſons who ſhall be aggrieved by ſuch ſaleſmen, and ſuch perſons ſo aggrieved ſhall upon demand, have a copy of ſuch bond, and condition thereof, paying one ſhilling for the ſame.

Acting without giving bond.

VIII. *ſect.* 2. If any perſons acting as ſaleſmen ſhall act, or take upon them to ſell, or expoſe to ſale, any cattle or ſheep in the market of Smithfield aforeſaid, without having firſt given ſuch ſecurity by bond as aforeſaid, every ſuch perſon ſo offending therein, and acting contrary to this act, ſhall for every ſuch offence forfeit one hundred pounds ſterling, to be paid to any perſons who ſhall ſue for the ſame, by action of debt, &c. in any court of record, in the four-courts at Dublin, wherein no eſſoign, &c. ſhall be allowed.

Double coſts.

(3) And in caſe the plaintiff in ſuch action ſhall prevail, he ſhall recover double coſts; but perſons who ſhall ſue for the ſaid penalty, ſhall before the commencement of ſuch ſuit, make affidavit in the court wherein ſuch ſuit ſhall be commenced, that ſuch ſuit is not commenced by him in truſt, but for his own ſole uſe and benefit.

Owners defrauded.

IX. *ſect.* 3. In caſe any owner of any cattle or ſheep, or their ſervants, ſhall conceive himſelf to be defrauded by ſuch ſaleſman, the lord mayor for the time being, or any juſtice of the peace for the ſaid city, or the liberties thereof, on the requeſt of ſuch owner, or his ſervant, ſhall on complaint being made to ſuch lord mayor or juſtice, within ſix weeks after ſuch ſale, ſummon the buyer of ſuch cattle or ſheep, and alſo ſuch other perſons, as the ſaid owner ſhall deſire, and ſhall examine them, or ſuch of them, upon oath as the ſaid owner or his ſervant ſhall think proper, in relation to the ſale of the ſaid cattle or ſheep.

Binding over to appear.

(2) And if upon ſuch examination it ſhall appear, that ſuch ſaleſman has committed any fraud in not fairly and honeſtly ſelling ſuch cattle or ſheep, for the beſt prices that he could get for the ſame, the lord mayor or other juſtice of the peace as aforeſaid, is required to bind over ſuch ſaleſman, in a recognizance with ſufficient ſureties, for his appearance in the court of king's-bench the firſt day of the next enſuing term, or the quarter-ſeſſions for the ſaid city of Dublin, which ſhall firſt happen, in order to be proſecuted as a common cheat.

Refuſing to give ſecurity.

(3) And in caſe ſuch ſaleſman ſhall neglect or refuſe to give ſuch ſecurity, the ſaid lord mayor, or ſuch juſtice, is required to commit ſuch ſaleſman to the common gaol of the ſaid city, or the liberties thereof, until they ſhall give ſufficient ſecurity or ſtand their trial, and the ſaid bond of one thouſand pounds ſhall alſo be put in ſuit, for the making ſatisfaction to the parties aggrieved, for the damages which ſuch parties may have ſuſtained, on account of ſuch ſaleſman's not having performed the conditions of his ſaid bond.

Owners may ſell cattle.

X. *ſect* 4. Nothing herein ſhall hinder any owner of ſuch cattle or ſheep, or any perſons employed by him, other than ſuch ſaleſman, from ſelling his cattle or ſheep without any the reſtrictions or ſubject to any of the penalties aforeſaid.

V. *ſect.*

XI. *ſect.* 5. In caſe any perſons who ſhall in purſuance of this act, be appointed, or ſhall act as ſaleſman in the market of Smithfield aforeſaid, ſhall break or withdraw themſelves, and ſhall not have accounted with, and paid to every the owners of the cattle or ſheep which ſhall have been ſold by them, all ſums of money for which ſuch cattle or ſheep ſhall have been ſold, it ſhall be lawful for any of the owners of ſuch cattle or ſheep, which ſhall have been ſold by ſuch ſaleſman, ſo breaking, abſconding, or defrauding as aforeſaid, to ſue in his own name, and at his own coſts, upon the ſaid bond as aſſignee, without any actual aſſignment by virtue of this act, of the lord mayor, who ſhall be obligee of the ſaid bond, the ſaid ſaleſman, and his ſecurities, or any of them, and to obtain judgment thereon, and to iſſue execution againſt the ſaid ſaleſman, and his ſecurities or any of them, or againſt any of their goods, and to raiſe by ſale thereof as much money as will ſatisfy the ſaid owners, all ſuch ſums of money as ſhall be due to them from ſuch ſaleſman, and alſo all coſts and charges attending the ſuing for and recovering the ſame. Breaking or withdrawing

(2) Provided the ſame do not exceed the ſaid ſum of one thouſand pounds, being the penalty of the ſaid bond, and that in any ſuits to be commenced or proſecuted on the ſaid bond, the officer who ſhall have the cuſtody of the ſaid bond, or in whoſe office the ſame ſhall be lodged, ſhall in purſuance of any order of the court, where ſuch ſuit ſhall be commenced, lodge with the proper officer of ſuch court, the ſaid bond, who ſhall keep or ſuffer the ſame to be made uſe of, at the diſcretion of the ſaid court, by any other perſons who ſhall be intitled to the ſaid ſecurity on the ſaid bond. Officer to lodge the bond.

(3) And after plea pleaded, in caſe the bond be not denied, and in caſe the ſaid bond ſhall be denied, then after the determination of the ſaid ſuit, the ſaid court ſhall order the ſaid bond to be redelivered to the perſon who brought the ſame into the ſaid court. Re-delivery after ſuit.

(4) And that the note or notes ſigned by ſuch ſaleſman, in purſuance of the ſaid former act, ſhall be evidence of the ſums of money, which any cattle or ſheep, ſold by the ſaid ſaleſman, have been ſold for, and the removal or death of the lord mayor, in whoſe name ſuch bond ſhall be taken, ſhall not abate the ſaid ſuit, but the ſuit ſhall be carried on and proſecuted in the name of the lord mayor in whoſe name the ſuit ſhall be commenced. Saleſmen's notes evidence.

The act 23 *Geo.* 2. *cap.* 15. *(for continuing and amending an act,* 10 *Geo.* 1. *cap.* 10. *for regulating abuſes committed in the buying of cattle and ſheep, &c.) is made perpetual, by Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 7.

XII. *Stat.* 31 *Geo.* 2. *cap.* 8. *ſect.* 1. No perſon taking upon them to ſell cattle or ſheep in the market of Smithfield in Dublin, and commonly known by the name of ſaleſmen, ſhall uſe or exerciſe the occupation of a grazier, or ſhall hold or keep any land in their poſſeſſion, or in the poſſeſſion of any other perſon, to their uſe, or in truſt for them, or for their benefit, for the grazing or feeding of any oxen, cows ſheep, or other cattle, on pain that ſuch ſaleſman, and the perſons ſo poſſeſſed as aforeſaid, ſhall ſeverally forfeit, for every week that they ſhall offend therein, five pounds ſterling to be paid to the informer, and to be recovered with full coſts, by civil bill, in ſuch courts where proceedings by civil bill may by law be had, or by action of debt, plaint, or information, in any court of record in Dublin, in which no protection, wager of law, or eſſoign, ſhall be allowed, or more than one imparlance, or upon conviction, by confeſſion of the party, or by the oath of one credible witneſs, Not to be graziers, penalty for every week.

neſs, before the lord mayor of the city of Dublin, or before the ſeneſchal of the manors or liberties of Saint Sepulcher's, Thomas-court, and Donore, within their reſpective juriſdictions, or where there ſhall be no ſuch magiſtrate, before one juſtice of the peace of the county where ſuch offence ſhall be committed, to be levied by way of diſtreſs and ſale of the goods and chattles of every ſuch offender, by warrant from the ſaid lord mayor, ſeneſchal or juſtice before whom ſuch conviction ſhall be made, returning the overplus, where there ſhall be any. *See the Title*, **Dublin**. *Butchers*.

Diſtreſs of goods.

Dublin, Seſſions.

Seſſions for county Dublin notwithſtanding ſitting of king's bench.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *ſect.* 15. Whereas doubts have ariſen, whether the chairman and juſtices of the county of Dublin, can ſit after the beginning of term, and during the ſitting of king's bench: and whereas the buſineſs of ſaid court of late is ſo great, that oftentimes it cannot be executed without adjourning, during the continuance of the term: the chairmen together with the juſtices of peace of ſaid county ſhall have full power and authority to attend and execute the buſineſs of ſaid ſeſſions, notwithſtanding the ſitting of the king's bench.

Dublin, Sheriffs.

Under ſheriff or county clerk.

I. *Stat.* 29 *Geo.* 2. *cap.* 15. *ſect.* 1. No perſon ſhall be admitted into, or ſhall take on him, or preſume to execute or officiate by himſelf, or any one in truſt for him or his uſe, the office of an under ſheriff, ſheriffs clerk, or county clerk, within the city, county of the city of Dublin, or county of Dublin, who had within the ſpace of ten years before his admiſſion therein, executed, officiated, or exerciſed any of the ſaid offices or duties in the ſaid city, county of the city, or county of Dublin aforeſaid.

Penalty.

(2) And if any perſon ſhall offend herein, they ſhall forfeit, for every ſuch offence the ſame penalty as in the act 11 *Ann. cap.* 8. is inflicted on perſons executing the ſaid offices within three years after they have executed the ſame; which penalty ſhall be recovered againſt ſuch offenders, in the ſame manner as is preſcribed by the ſame former act, (11 *Ann. cap.* 8.) one moiety whereof to go to the informer, and the other moiety to the work-houſe of the city of Dublin.

Informations.

II. *ſect.* 2. If any information ſhall hereafter be brought for any offence againſt this or the former act, if the ſame be not proſecuted with effect, ſuch informations ſhall be deemed invalid: and it ſhall be lawful for any other perſon to file another information, to recover the penalty in this and in the former act, for the offences committed againſt the ſame.

Default of proſecutors.

(2) And the perſons who brought ſuch informations, not proſecuting the ſame with effect, ſhall, for ſuch default, forfeit one hundred pounds ſterling, the ſame to be recovered in a ſummary way before his Majeſty's juſtices of either bench, or barons of his court of Exchequer, who are hereby empowered to determine the ſame; one moiety whereof to be paid to the informer, and the other moiety to the uſe of the work-houſe of the city of Dublin.

Taking illegal fees.

III. *ſect.* 3. No ſub-ſheriff or ſheriffs clerk, ſhall take any more than their legal fees, and upon complaint thereof, and due proof made before the court

court out of which ſuch writ iſſued, ſuch ſub-ſheriff, or ſheriffs clerk or clerks ſhall for every ſuch offence forfeit one hundred pounds; which penalty ſhall be, and the ſaid court out of which ſuch writ iſſued, is hereby required to have, eſtreated into his Majeſty's Exchequer. *See the Title*, **Sheriffs.**

Dublin, Society.

I. *Stat.* 5 *Geo.* 3. *cap.* 12. *ſect.* 1. *Whereas an act paſſed the laſt ſeſſion of parliament, for directing the application of the ſum of eight thouſand pounds, granted that ſeſſion to the ſaid Dublin Society, for the encouragement of ſuch trades and manufactures as therein is mentioned: and whereas part of the ſaid ſum remains in the hands of the ſaid ſociety unapplied:* in order therefore to direct and regulate the application of the ſaid ſum of eight thouſand pounds, granted this ſeſſion of parliament, and ſuch part of the ſaid ſum of eight thouſand pounds, granted the laſt ſeſſion, as ſhall remain unapplied under the ſaid recited act; it ſhall be lawful for the ſaid Dublin Society to diſpoſe of the ſaid ſeveral ſums, for the purpoſes, and in the manner herein after mentioned; (that is to ſay) for the encouragement of the ſilk, woollen, leather, iron, or ſteel, copper or braſs, paper, glaſs, and earthen ware manufacture, mixed manufactures of ſilk, wool, cotton, mohair, or linen thread, gold or ſilver thread, or laces thereof manufactured, and of the manufacture of printing, ſtamping, and ſtaining of linens or cottons. Manner of diſpoſal.

II. *ſect.* 2. And the ſaid Dublin Society, ſhall, on ſome day previous to the twenty fourth of June, in every year, 'till the ſaid ſum of eight thouſand pounds granted this ſeſſion of parliament, and ſuch part of the ſum of eight thouſand pounds granted laſt ſeſſion of parliament, as remains unapplied, or ſhall remain at any time hereafter unapplied, be wholly applied and diſpoſed of, reſolve and determine how much money ſhall be applied for the encouragement of each of ſaid manufactures and trades in each year, and ſhall cauſe ſuch reſolution to be entered in their books, and publiſhed in the Dublin Gazette. Encouragement of manufactures.

III. *ſect.* 3. And the Dublin Society, on or before the tenth day of December, in every year, ſhall regulate and ſettle in what manner the reſpective ſums, which ſhall be ſo allotted for the encouragement of the ſaid reſpective manufactures and trades, ſhall be paid and diſtributed in each year, and ſhall cauſe ſuch reſolution to be entered in their books, and publiſhed in the Dublin Gazette. Allotment of the ſums.

IV. Provided that no perſon ſhall be capable of receiving any part of the ſaid ſums, for any goods which ſhall not be manufactured or made, ſubſequent to the time of determining how much money ſhall be applied for the encouragement of the ſaid manufactures and trades, in each year. Time of manufacturing.

V. Provided alſo, that ſuch diſtribution ſo to be made, ſhall be made according to the quantity and quality of the goods ſo to be manufactured. Quantity and quality.

VI. *ſect.* 4. And it ſhall be lawful for the ſaid Dublin Society, to make ſuch orders and regulations for examining the quantity and quality of ſuch goods, for which any premium ſhall be demanded, as they ſhall judge moſt expedient for the publick ſervice, and moſt likely to prevent any frauds in the perſons who ſhall claim to be intitled to ſuch premiums, and in caſe any diſputes ſhall ariſe touching the right of any perſons to ſuch premium, the Dublin Society ſhall finally determine the ſame. Regulating premiums.

VII. *ſect.*

Arrear of ſubſcriptions.

VII. *ſect.* 5. And no member of the ſaid ſociety ſhall be intitled to vote in the ſaid ſociety, on any pretence whatſoever, who ſhall be indebted more than one year's ſubſcription to the ſame.

Dublin, Soldiers.

Notice of marching.

I. *Stat.* 6 *Ann. cap.* 14. *ſect.* 6. Notice ſhall be given to the lord mayor of the city of Dublin, at leaſt twenty four hours before the march of any ſoldiers out of the ſaid city, of the number of the troops and companies appointed to march, whereupon the lord mayor ſhall ſummon a proportionable number of cars, out of the licenſed cars, brick cars, and other cars, within the county of the ſaid city.

Cars coming to market.

(2) And the ſaid cars are, by turns, to be provided and employed in carrying the baggage of ſuch troops or companies, at the prices, and under the regulations in this act mentioned; and no country cars or carriages coming to the markets of the ſaid city, ſhall be detained or employed in carrying ſuch baggage on any pretence.

Repeal of a clauſe.

II. *Stat.* 4 *Geo.* 1. *cap.* 7. *ſect.* 6. Whereas by an act paſſed in the ſixth year of Queen Ann, *to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march*; it is enacted, that all officers, ſoldiers, and troopers, ſhall be lodged in their barracks, which were then building, near the city of Dublin, and not in any other part of the ſaid city, ſuburbs, or the liberties thereto adjoining; and that no ſheriff, conſtable, or other officer, or perſon ſhall quarter or billet any officer or ſoldier, or other perſon, in the city of Dublin, or ſuburbs, or liberties thereto adjoining, under the penalty of forfeiting fifty pounds, to be recovered in any court of record, by the perſons that will ſue for the ſame; ſo much of the ſaid act, as is herein recited, is repealed.

Quartering in the city or ſuburbs.

III. *ſect.* 7. Such part of his Majeſty's army as ſhall march into the ſaid city of Dublin, ſuburbs, or liberties thereto adjoining, in order to be from thence tranſported beyond the ſeas, or ſhall land within the ſaid city, &c. or the harbour of Dublin, ſo as ſuch forces do not ſtay therein, after landing, above ſix days, as alſo, during the time of any commotion, inſurrection, or rebellion within this kingdom, may be quartered within the ſaid city, ſuburbs, or liberties, in manner following, that is to ſay,

Manner of quartering.

(2) It ſhall be lawful for the lord mayor of the ſaid city, within the city of Dublin and ſuburbs, and the reſpective ſenſchals, and their deputies, within the ſeveral liberties thereto adjoining, upon the order of the lord lieutenant or chief governors, ſignifying ſuch order, the reaſon of ſuch forces marching to the ſaid city, to provide neceſſary quarters for ſuch officers and ſoldiers during their neceſſary continuance within the ſaid city, ſuburbs, and liberties for the purpoſes, and on the emergencies aforeſaid, and none other; the ſaid officers, ſoldiers, and troopers, to be quartered and billetted on the publick taverns and alehouſes, in ſuch manner as ſuch officers and ſoldiers were uſually quartered and billetted before the making the ſaid act.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 13. *ſect.* 1. The lord chancellor, earl of Drogheda, earl of Roſs, lord Eyre, lord Erne, lord Bangor, Edmond Sexton Pery ſpeaker of the houſe of commons, ſir Archibald Acheſon, ſir William Oſborne, ſir Edward Loftus, Nathaniel Clements, William Burton, Anthony Malone, Robert Clements, Joſeph Henry, Simon Digby, Beauchamp Bagnell, Francis Leigh, Gervais Parker Buſhe, Henry Loftus, Armar Lowry Corry, Lodge Morres, George Hamilton, general Sandford, baron Scott, dean Bayley, Henry Tilſon, Richard Dawſon, Richard Benſon, colonel Maſſey, Andrew Crauford, Edward Sneyd, Charles Savage, John Blackwood, William Murray, William Muſſenden, Conolly Norman, Edward Madden, John Godly, Arthur Craven, Captain Willington, Captain Aſhburnham, John Hovenden, John Brown, ſhall be, and are hereby appointed commiſſioners for paving, cleanſing, lighting, draining, and improving the ſtreet called Sackville-ſtreet and the Mall, and the lanes and avenues leading into the ſame; and the earl of Tyrone, lord Glerawley, John Beresford, Arthur Browne, Richard Anneſley, Edward Stratford, Edward Cary, Theophilus Clements, John Hyde, Richard Gorges, John Wynne, John Burton, doctor Hamilton, John Uſher, doctor Paul, Edmond Malone, Badham Thornhill, John Mitchell, Robert Hudſon, Edmond Power, William Handcock, John Hill, captain Ormſby, Towaly Dawſon, James Caulfield, William Caulfield, Charles Tottenham, Arthur Mervyn, Dixie Coddington, Lewis Thomas, ſhall be, and are hereby appointed commiſſioners for paving, cleanſing, lighting, draining, and improving the ſtreet, called Marlborough-ſtreet, with full power to ſaid commiſſioners, to pave, cleanſe, light, drain, and improve ſaid ſtreets, and to order and direct the ſame from time to time, ſo as to make and continue ſaid ſtreets ſafe and commodious for the publick in general, and the inhabitants of ſaid ſtreets in particular, and to free and preſerve the ſame from all nuiſances and annoyances whatſoever, and for that purpoſe to ſink, drive, carry on, and perfect ſuch ſhores, ſewers and drains, and do and carry on all ſuch neceſſary and proper acts and works in and through the ſaid ſtreets, and in and through that part of Henry-ſtreet which runs acroſs the top or ſouth end of Sackville-ſtreet and the Mall, and in and through ſuch other publick ſtreets, lanes, roads, paſſages, and places home to the river Anna-Liffey, as may ſeem to them neceſſary and convenient for the purpoſes aforeſaid; and the ſaid commiſſioners, or any five or more of them, ſhall reſpectively have full power and authority to do, perform, and perfect all ſuch acts and works, and things aforeſaid, and to execute all the powers and authorities herein reſpectively to them given and created for carrying the purpoſes aforeſaid into execution, in ſuch manner as to them ſhall ſeem moſt proper, without any let, ſuit, or interruption from any perſon whatſoever, or any charge or charges of any of the proprietors or inhabitants of ſaid ſtreets, lanes, paſſages, or ways, for or on account of any damages ſo by them to be ſuſtained in the due execution of ſaid works; and as often as any of ſaid commiſſioners ſhall die or remove, the ſucceeding occupiers of the houſes ſhall be commiſſioners in their room.

Commiſſioners appointed for Sackville-ſtreet and the Mall, the lanes and avenues.

commiſſioners for Marlborough-ſtreet,

any 5 may act.

II. *ſect.* 2. Provided always, that the ſaid Sackville-ſtreet, ſhall not be made a market or ſtand for coaches, or a place for breaking horſes.

Sackville-ſtreet not a market, or a ſtand, or for breaking horſes.

III. *ſect.* 3. The publick ſtreet or highway lying at the north end of Sackville-ſtreet and the Mall, next to the Lying-in-hoſpital, and from the corner of ſaid hoſpital to the ſouth end of Cavendiſh-row, and ſo croſs the ſame to the north-weſt end of ſaid new ſtreet called Sackville-ſtreet and the Mall, and the lanes and avenues leading into the ſame, ſo far as they ſhall find

find it neceſſary, to open, break up, or make uſe of the ſame for the neceſſary purpoſes of ſufficiently and more conveniently anſwering the ends of this act.

Place and time of meeting,

IV. *ſect.* 4. It ſhall be lawful for ſaid commiſſioners, or any five or more, to aſſemble at any place or places within or near the ſaid ſtreets, or within the ſaid city of Dublin, to be appointed by them, or any five or more, for that purpoſe, on the firſt of June next, or any ſubſequent day, which they or any five or more ſhall appoint, giving publick notice thereof in one or more of the publick news-papers ten days previous to ſuch meeting, and to adjourn from time to time, and appoint other meetings for carrying this act into execution, at ſuch places, and times, as they, or any five or more ſhall appoint, and to aſſemble and meet accordingly; and that ſaid commiſſioners, or any five, ſhall reſpectively have full power and authority to direct and regulate the paving, cleanſing, lighting, and improving the ſaid ſtreets reſpectively, in ſuch manner as they ſhall think proper; and making drains, ſoughs, ſhores, and ſewers through the ſame, and every part, and all lanes, and avenues leading into the ſaid ſtreets, and for driving and carrying the ſame through any other publick ſtreet, lane, or place, to the river Anna Liffey; and that ſaid commiſſioners for Sackville-ſtreet and the Mall, and the lanes and avenues leading into the ſame, ſhall have full power and authority to lay open the Mall, which is in the middle of ſaid ſtreet, and to pave and make it part of the ſame; and to make contracts for all materials neceſſary for executing the works in their reſpective ſtreets, and to employ workmen, and to do all matters and things which they ſhall judge neceſſary to render the ſaid ſtreets moſt commodious to the inhabitants of ſaid ſtreets, and the perſons who ſhall paſs through the ſame; and that ſaid commiſſioners for Sackville-ſtreet, and for Marlborough-ſtreet, or any five, ſhall reſpectively have full power, from time to time to direct ſuch ſums to be raiſed upon the inhabitants of their reſpective ſtreets, as they ſhall judge neceſſary for purpoſes aforeſaid; and ſuch ſums ſhall be aſſeſſed by ſaid commiſſioners reſpectively, or any five, upon the inhabitants of their reſpective ſtreets, equally in proportion to the miniſter's money payable out of the reſpective houſes in ſaid ſtreet, and collected by ſuch perſons, as the ſaid commiſſioners reſpectively, or any five, ſhall by writing under their reſpective hands and ſeals appoint; which ſums, when collected, ſhall be paid into the hands of ſuch perſons, or into ſuch bank or banks within ſaid city, as ſhall be appointed by the ſaid commiſſioners reſpectively, or any five, at ſome publick meeting of ſaid commiſſioners, and ſhall be from time to time drawn out from thence, and paid, applied, and diſpoſed of for the purpoſes aforeſaid, by order of ſaid commiſſioners, or any five under their hands, ſigned at ſome publick meeting.

10 days publick notice, adjourn, and appoint other meetings, any 5 may regulate paving, &c.

making drains, &c. thro' other ſtreets to the river,

the Mall may be opened and paved,

contract for materials and workmen,

money raiſed on inhabitants aſſeſſed by commiſſioners reſpectively, in proportion to miniſter's money, collected on their warrant, and paid as appointed at publick meeting, & drawn out and applied.

Houſes untenanted, owners charged, and where let to lodgings: but levied on occupiers; dead walls, void ſpaces, rated by annual value, by ſolvent tenant,

V. *ſect.* 5. Where any of the houſes of the ſaid ſtreet untenanted or unoccupied, the owners of ſuch houſes reſpectively ſhall be charged with the ſaid rates, and the premiſſes ſhall remain a ſecurity for the ſame; and where any of the houſes in ſaid ſtreets are let out in lodgings to tenants, the owners of the houſes are to be aſſeſſed, but the rate may be levied on the occupiers of the ſame; and all dead walls, and void ſpaces in ſaid ſtreets ſhall be reſpectively rated by ſaid reſpective commiſſioners, or any five, according to the annual value, which they ſhall judge ſuch grounds would let for to a ſolvent tenant; and the ſums, ſo aſſeſſed, ſhall be paid by the proprietor of ſuch grounds, until the ſame ſhall be built; and when built, ſuch new houſes ſhall be then rated as the other houſes in ſaid ſtreets: and in caſe any of the perſons, ſubject

to

to ſaid rates, refuſe or neglect thirty-one days after demand to pay the ſum or ſums ſo reſpectively aſſeſſed, collectors may levy the ſame by diſtreſs, upon the goods of him, her, or them ſo refuſing or neglecting to pay; and in caſe ſuch diſtreſs not redeemed within three days, ſuch collectors ſhall and may ſell the ſame by publick cant; and out of the principal deduct the ſum due for ſaid rate, together with coſt of ſuch diſtreſs, if any, and return overplus to owner: and ſaid reſpective commiſſioners, or any five, ſhall and may apply as aforeſaid the ſums, raiſed for the purpoſes aforeſaid; and all the ſtones and other materials in the ſaid reſpective ſtreets, are hereby veſted in ſaid reſpective commiſſioners, to be ſold or uſed for the purpoſes aforeſaid, with power to agree and contract for all manner of materials and neceſſaries with workmen, undertakers, and neceſſary artizans and perſons whatſoever: and ſaid commiſſioners of ſaid ſtreets reſpectively, or any five, may and ſhall be liable to all contracts and agreements ſo made by them, and ſubject to all ſuits as ſhall be proſecuted againſt them for non-performance of all or any of ſuch contracts.

materials veſted in commiſſioners, power to contract,

liable to ſuits for non-performance.

VI. *ſect.* 6. After the paſſing of this act the inhabitants of Sackville-ſtreet and the Mall, and of Marlborough-ſtreet, and all the houſes, lands, and tenements within the ſame, and which ſhall be liable to be taxed for the purpoſes of this act, ſhall be exonerated, freed, and diſcharged from all ſcavengers rates, and all taxes and contributions, in reſpect of the ſaid ſtreets, for paving, lighting, or cleanſing the ſame, other than ſuch taxes, rates, and aſſeſſments to which they ſhall be liable by this act.

Said ſtreets diſcharged other rates,

VII. *ſect.* 7. It ſhall not be lawful for any perſon in any ſtreet, lane or place, through which any ſhore, ſewer, drain, or ſough ſhall be carried by virtue of this act, to open any ſuch ſewer, drain, or ſough, or to lay or carry any other ſhore, ſewer, drain, or ſough, into the ſame, without leave and licence of ſaid reſpective commiſſioners, or five at leaſt, under their hands and ſeals, obtained at ſome publick meeting of ſaid reſpective commiſſioners, and if any ſhore, ſewer, drain, or ſough, ſhall be ſo opened or laid into the ſame, the ſaid reſpective commiſſioners, or any perſons employed by them, ſhall and may interrupt and ſtop the ſame.

None to open the ſewers, &c. or carry any other into them without leave at meeting.

VIII. *ſect.* 8. This act deemed, adjudged, and taken to be a publick act, and judicially taken notice of as ſuch, by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame; and that the ſame do paſs as a publick act without fees: and in caſe any action or ſuit commenced or proſecuted againſt any perſon for any thing done by virtue and in execution of this act, every ſuch perſon may plead the general iſſue, and give this act in evidence as aforeſaid; and if any verdict, non ſuit, or diſcontinuance paſs or happen againſt the plaintiff or plaintiffs defendants ſhall have double coſts.

A publick act.

general iſſue,

double coſts.

IX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 22. *ſect.* 1. Whereas the ſtreets, quays, alleys, yards, courts, ſquares, bridges, and lanes, in the city and county of city of Dublin, and other places herein after mentioned, are not properly pitched or paved; and the preſent methods preſcribed by law for paving ſaid places are ineffectual; and it would tend greatly to the free intercourſe, health, and ſafety of inhabitants of ſaid places, and of all perſons paſſing through, if the pavements thereof are properly pitched, paved, and regulated: therefore the lord chancellor, archbiſhop of Dublin, chief juſtice of King's bench, and common pleas, chief baron of exchequer, ſpeaker of the houſe of commons, provoſt, and vice-provoſt of Trinity College, lord mayor, recorder, ſheriffs, and repreſentatives of city of Dublin, county of Dublin, the high ſheriff of county

Commiſſioners named for executing this act.

of Dublin, lord of the manor of Thomas-court and Donore, with the ſeneſchal, ſeneſchal of ſaint Sepulchre's, dean of Chriſt-church, and ſaint Patrick's, and their ſucceſſors, fifteen aldermen, and fifteen common council men of the corporation of Dublin, elected as after mentioned; with the duke of Leinſter, earl of Charlemont, lord viſcount Ranelagh, John Beresford, James Forteſcue, James Agar, Thomas Adderly, William Burton, Barry Barry, William Colvil, John Dillon, John Burke the younger, William Deane, Joſeph Henry, Travers Hartley, David Latouche the younger, John Leigh, John Monck Maſon, Redmond Morres, Andrew Caldwell, Charles O'Hara, major Vallancey, Ralph Ward, William Gleadowe, William Dunn, Agmondiſham Veſey, ſir John Parnell, John Foſter, Robert Hellen, Benjamin Haughton, Lodge Morres, Sydenham Singleton, Robert Thorp, Edward Strettel, James Somerville, Warden Flood, and ſir Edward Newenham, and the ſeveral perſons ſucceſſively choſen in manner after mentioned, ſhall hereafter be commiſſioners for carrying this act into execution.

In 10 days 15 aldermen and common council elected,

X. *ſect.* 2. Within ten days after paſſing this act, the lord mayor ſhall in the uſual manner convene aſſembly or common council of ſaid city, for electing by ballot fifteen aldermen and fifteen common council men as commiſſioners; which commiſſioners, after elected and choſen, ſhall continue to act till the 24th of June 1777; when the lord mayor and board of aldermen, the ſheriffs and commons, ſhall elect to be of the ſaid commiſſioners, ſo many and ſuch perſons, as they are impowered to elect, in the place of the perſons ſo formerly elected; and ſuch perſons ſhall be, and are impowered to act as commiſſioners for three years; and ſaid commiſſioners ſhall by ſaid manner of election be continued and renewed from three years to three years during continuance of this act; and when any vacancy ſhall happen either by death, diſability, or reſignation of any of ſaid perſons ſo elected, the lord mayor and board of aldermen, ſheriffs, and commons, ſhall within fourteen days after vacancy, elect in manner before directed, ſome other perſon, ſeven days previous notice of election being given in the Dublin Gazette; and when any other of the commiſſioners herein named, or hereafter to be elected, ſhall die, be diſabled, or reſign, it ſhall be lawful for the ſurviving commiſſioners, not being commiſſioners from office, or elected by the corporation, or any ſeven or more of them, at any meeting, ſeven days previous notice being given in Dublin Gazette, to elect a fit perſon or perſons to ſupply the places of them; and all perſons ſo elected are veſted with the ſame powers as the perſons in whoſe ſtead elected.

on vacancy, election in 14 days,

7 days notice in Gazette,

5 diviſions in Dublin.

XI. *ſect.* 3. The city of Dublin, and places after mentioned, ſhall be divided into five diviſions, the firſt to conſiſt of pariſhes of ſaint Paul and Michan; the ſecond of ſaint Thomas, ſaint Mary's; the third of ſaint Andrew's, Ann's, Mark's, Peter's; the fourth of ſaint Bride's, Werburgh's, John's, Nicholas within, and Michael's; and the fifth of ſaint Nicholas without, Audeon's, Catherine's, and James's.

In 10 days after this act, and 1ſt Thurſday February yearly, proteſtant pariſhioners in veſtry, to elect 12 each diviſion,

XII. *ſect.* 4. Within ten days after this act, and alſo on firſt Thurſday in February annually afterwards, the proteſtant pariſhioners of the pariſhes above mentioned ſhall meet in the veſtry room, or other uſual place for tranſacting publick buſineſs of the pariſh, the uſual notice firſt given by the miniſter or curate, and elect by ballot twelve in each diviſion; in the firſt, the pariſh of ſaint Paul's ſhall elect four, and Michan's eight; in the ſecond, the pariſh of ſaint Thomas ſhall elect ſix, Mary's ſix; in the third, ſaint Andrew's ſhall elect three, Ann's three, Mark's two, Peter's four; in the fourth, ſaint Bride's

ſhall

ſhall elect three, Werburgh's three, John's two, Nicholas within two, Michael's two; in the fifth, ſaint Nicholas without ſhall elect three, Audeon's four, Catharine's four, and ſaint James's one; and ſaid perſons ſo elected, with three aldermen and three common council elected as commiſſioners, which aldermen and common council men ſhall be appointed at ſame time, and in ſame manner as thoſe acting as commiſſioners, and one other commiſſioner to be appointed by the commiſſioners to act for three years, ſhall conſtitute a committee for carrying this act into execution within their diviſions, and for ſuperintending and inſpecting all the works carrying on by this act, within their diviſions, and for examining the bills relative thereto, and certifying to ſaid commiſſioners ſuch bills and allowances as they ſhall find juſt, or objecting to the payment of ſuch as they ſhall find otherwiſe, (the ſalaries allowed to officers of the commiſſioners, and expences of commiſſion excepted;) and ſaid commiſſioners, on receiving ſuch certificates of payment, but not otherwiſe, ſhall order ſaid bills to be paid.

committee to act.

XIII. *ſect.* 5. No leſs than five of ſaid perſons ſo elected, ſhall be able to tranſact or execute any buſineſs in any committee under this act; and in caſe of death, diſability, or reſignation of any perſons ſo elected, ſaid pariſhioners ſhall in like manner elect another, who ſhall continue in office for remainder of the time ſuch perſon, in whoſe place elected, was to continue; and the miniſter or curate of ſuch pariſh, whenever ſuch death, diſability, or reſignation ſhall happen, ſhall next Sunday, immediately after they have notice of the ſame, give ſuch notice as aforeſaid, and appoint a day in ſame week for ſaid election.

5 to act in committee.

XIV. *ſect.* 6. If pariſhioners of any pariſhes directed to meet for electing proper perſons to act as committee men, or to appoint proper officers for putting this act in execution, neglect to chuſe ſuch committee men or officers, fourteen days after the time appointed, the commiſſioners, or any nine or more, are empowered to appoint ſuch committee men and officers.

On 14 days neglect to chuſe committee or officers commiſſioners may appoint.

XV. *ſect.* 7. No perſon ſhall be capable of acting as a commiſſioner, or a committee man in execution of this act, during the time he ſhall directly or indirectly hold any office by virtue of, or enter into any contract relating to the execution of any part of this act; nor during the time he ſhall be engaged in ſecurity for any perſon holding any office by virtue of, or entering into any contract relating to execution of any part of this act.

No commiſſioner to act while holding office or contracting.

XVI. *ſect.* 8. No perſon capable of acting as a commiſſioner or committee man in the execution of this act, unleſs he ſhall in preſence of ſaid commiſſioners, or any ſeven, at ſome meeting purſuant to this act, take and ſubſcribe the following oath, or being a quaker, make affirmation, which the clerk appointed by ſaid commiſſioners, is empowered and required to adminiſter, and the ſame is to be by him fairly entered and preſerved in a book kept particularly for that purpoſe.

Their oath,

adminiſtered and entered by clerk.

I. A. B. do ſolemnly ſwear, that I have not, nor during my being a will I hold any office, or enter into any contract relating to the execution of any part of this act, or be engaged in any ſecurity for any perſon holding any office by virtue of or entering into any contract relating to the execution of any part of this act; and that I have not accepted, nor will I accept, directly or indirectly, of any profits, ſalary, or benefit ariſing, or to ariſe from, out, or by means of any office or contract, relating to the execution of any part of this act.

XVII. *ſect.*

7 commiſſioners to meet at navigation houſe,

XVII. *ſect.* 9. Said commiſſioners, or any ſeven or more, ſhall meet at the houſe of the corporation for inland navigation; and the ſeveral committees, or any five or more, ſhall meet at their veſtry rooms, or other place appointed for tranſacting publick buſineſs of ſome pariſh within their reſpective diviſions, on the ſixth of June next, between ten in the forenoon, and two in the afternoon, and proceed to execution of this act; and ſhall then, and at every ſubſequent meeting, from time to time, adjourn to meet at any place in ſaid city, or county of ſaid city, as they, the ſaid commiſſioners, or any ſeven or more, or committee men, or any five or more, ſhall think proper or convenient for putting this act in execution: and if there ſhall not appear at any meeting appointed by ſaid commiſſioners or committee men, a ſufficient number to act, and to adjourn to another day, the clerk ſhall by like publick notice in Dublin Gazette, given at leaſt five days before next meeting, or in caſe ſaid clerk ſhould happen to die before ſuch notice given, or neglect or refuſe to give ſuch notice, any two commiſſioners ſhall and may by publick notice appoint ſaid commiſſioners and committees to meet at the place where the laſt meeting was appointed, within fourteen days next after the day on which ſuch laſt meeting was appointed to be held; and ſaid commiſſioners and committee men ſhall at their meeting pay their own expences.

if not a ſufficient number on 5 days notice in Gazette, or 2 commiſſioners, to appoint meeting in 14 days,

bear their own expences.

5 may act, except where more required.

XVIII. *ſect.* 10. After this act, any five or more of the commiſſioners, ſhall be veſted with full power and authority to do, execute, perform, and direct all and every the purpoſes, acts, matters, and things by this act veſted in, or directed to be done or performed by ſaid commiſſioners, except where a greater number required by this act to be preſent and conſenting.

Nine on 14 days notice in Gazette to appoint officers,

XIX. *ſect.* 11. Said commiſſioners, or any nine or more, ſhall and may by writing under their hands and ſeals at their ſecond or any ſubſequent meeting, giving fourteen days notice thereof in Dublin Gazette, appoint one or more clerk or clerks, treaſurer or treaſurers, receiver or receivers of monies to be raiſed by and for the purpoſes of this act, and ſo from time to time to appoint others, as they find neceſſary or convenient; and alſo one or more ſurveyor or ſurveyors to view the condition of the ſeveral ſtreets, quays, bridges, ſquares, courts, alleys, places, and lanes in city of Dublin, liberties thereof, and places herein after mentioned, and to ſee that the ſame are properly pitched, paved, and kept in repair; and alſo ſuch other officer or officers as ſaid commiſſioners, or any nine or more think neceſſary; and ſaid commiſſioners, or any five or more, ſhall and may take ſufficient ſecurity for due execution of the reſpective offices by ſuch perſons as the ſaid commiſſioners, or any five or more think proper; and ſaid commiſſioners or any nine or more may, from time to time, remove any or either of ſuch officers or other perſons, and appoint others in the room of ſuch as ſhall be removed or die; and ſhall and may, out of the money raiſed and levied by this act, make ſuch reaſonable allowances to treaſurers, receivers, ſurveyors, clerks, or other officers ſo appointed, for and in conſideration of their offices, and to ſuch other perſons as ſhall be aiding and aſſiſting in and about the execution of this act, and aſcertain ſuch proportion of the expence attending the ſame, as they ſhall think proper, upon ſuch diviſion of the city as to them ſhall ſeem reaſonable; and the committees in their diviſions may appoint a clerk and ſupervifor, and take ſuch ſecurity for due execution of their offices, as ſaid reſpective committees think proper; and may remove all clerks and ſupervifors, and appoint others in room of them as ſhall be ſo removed or die, and ſuch ſalaries and allowances to them in conſideration of

5 take ſecurity,

9 may remove officers, and appoint others.

trouble

trouble in executing their offices reſpectively, as ſaid reſpective committees think reaſonable.

XX. *ſect.* 12. If any perſon employed as a clerk, treaſurer, receiver, ſurveyor, or any other officer or ſervant, any ways employed by ſaid commiſſioners or committee-men, in putting this act, or any the powers thereof in execution, ſhall exact, take, or accept any fee or reward whatſoever, other than ſuch ſalaries and rewards as appointed, allowed, and approved of by ſaid commiſſioners, or any nine or more, or other than the ſalaries allowed to clerks and ſupervifors by the committees, and approved of by ſaid commiſſioners, or any nine or more, for or on account of any thing done or to be done by virtue of this act, or on any account whatſoever relative to the putting this act in execution, or ſhall any ways be concerned in intereſt in any bargain made or to be made by the ſaid commiſſioners or committees, or any of them, for putting this act in execution, every ſuch perſon ſo offending, ſhall be incapable of ſerving or being employed under this act, and over and above forfeit one hundred pounds to any perſon who ſhall ſue by action of debt, bill, plaint, or information in any court of record within ſix calendar months after offence committed; in which ſuit no eſſoign, protection, or wager of law, nor more than one imparlance allowed; and ſuch perſons as are hereby made liable to pay the ſeveral rates or ſums hereby granted, ſhall pay the ſame to ſuch perſons as from time to time ſo appointed to collect and receive for each pariſh and place, according to the true meaning of this act; and ſuch receiver ſhall give his receipt for ſuch ſum to the perſon who ſhall pay; and all ſuch officers and perſons ſo appointed, ſhall under their hands at ſuch times and manner as ſaid commiſſioners or any five or more direct, deliver to ſuch commiſſioners, or ſuch perſons as they, or any five or more appoint, true and perfect accounts in writing of all matters and things committed to their charge by this act; and alſo of all monies received by ſuch officers and perſons reſpectively, by virtue and for purpoſes of this act; and how much thereof hath been paid and diſburſed by order of ſaid commiſſioners, or by ſaid committees of reſpective diviſions, or for any five or more, and for what purpoſes, together with proper vouchers for ſuch payments; copies of which accounts ſhall be delivered to the ſeveral committees of diviſions; and ſhall pay all ſuch monies, as ſhall remain in their hands, to ſuch perſons as ſaid commiſſioners, or any ſeven or more ſhall appoint; and all ſaid officers and perſons ſo accounting, ſhall verify their ſaid accounts upon oath; which oath ſaid commiſſioners or any two or more are impowered and required to adminiſter; and if any ſuch officer or perſon ſhall not make or render, or refuſe to verify upon oath any ſuch accounts, or to produce or deliver up the vouchers relating to the ſame, or to make payment as aforeſaid, or not deliver to ſaid commiſſioners, or any five or more, or to ſuch other perſons as they appoint, within ten days after being thereunto required by any five or more of ſaid commiſſioners, all the books, papers, and writings in his cuſtody or power, relating to execution of this act, or refuſe or neglect to pay ſuch monies as upon the balance of any account, ſhall appear to be in his hands, to ſaid commiſſioners, or any ſeven or more, or as they ſhall direct or appoint; ſuch officer or perſon ſhall for every ſuch neglect or refuſal reſpectively forfeit fifty pounds; and in either of the caſes aforeſaid ſuch commiſſioners, or any ſeven or more, may bring, or cauſe to be brought, any action in the name of ſuch commiſſioners, or any two or more, or of their treaſurer, againſt the officer or perſons, ſo neglecting or refuſing, for recovery as well

Officers or ſervants taking reward, except ſalary,

payment to receivers appointed,

receipts given,

accounts in writing to 5 commiſſioners,

of money received,

and diſburſements by order,

with vouchers,

payment of ſurplus,

not accounting on oath,

not delivering to 5 commiſſioners in 10 days all papers, &c.

not paying balance, forfeit 50l.

7 commiſſioners may ſue in their name,

or any two, or treaſurer's.

well of ſaid forfeitnre as of the monies in hands of ſuch officer or perſon reſpectively.

By civil bill if not above 20l.

XXI. *ſect.* 13. In every caſe wherein a power is given to ſaid commiſſioners, or any of them, to bring action for any money, it ſhall be lawful for ſaid commiſſioners, or any of them, ſo impowered, to bring the ſame by way of civil bill, in caſe ſuch money ſhall not exceed twenty pounds, in ſuch courts as have or ſhall have authority to hear and determine civil bills in county, or in the city and county of city of Dublin, within their reſpective juriſdictions, with like remedy of appeal to the parties reſpectively, as in other caſes provided; and if complaints made by ſaid commiſſioners, or any five or more, or by ſuch perſons as they appoint, of any ſuch refuſal or neglect as aforeſaid, to any two or more juſtices of peace for the county or place wherein ſuch officers or perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch juſtices are required to ſummon ſaid perſons to appear, and in caſe of refuſal or non-appearance they may and are required by warrant under hands and ſeals to cauſe the officers or perſons ſo refuſing or neglecting to be brought before them; and upon his and their appearing, or wilfully abſconding, to hear and determine the matter in a ſummary way; and if upon confeſſion of parties, or teſtimony of any credible witneſs or witneſſes upon oath, which oath ſuch juſtices are required to adminiſter, it appear to ſuch juſtices, that any of the monies collected or raiſed by this act, ſhall be in the hands of ſuch officers, or perſons, ſuch juſtices may, and are required, upon non-payment thereof, within ten days after conviction, by a warrant, to cauſe ſuch money to be levied by diſtreſs and ſale of goods or chattels of ſuch officers, or perſons reſpectively; and if no goods or chattles can be found ſufficient to anſwer and ſatisfy ſaid money, and charges of diſtraining and ſelling; then, and in either of the caſes aforeſaid, ſuch juſtices ſhall commit every ſuch offender to the houſe of correction, until he give and make a true and perfect account and payment as aforeſaid, or ſhall compound with ſaid commiſſioners, or any ſeven or more, and ſhall have paid ſuch compoſition in ſuch manner, as they ſhall appoint; (which compoſition ſaid commiſſioners, or any ſeven or more, are impowered to make) or until he ſhall deliver up ſuch books, papers, and writings as aforeſaid, and give ſatisfaction in reſpect thereof to ſaid commiſſioners, or any ſeven or more.

on complaint by 5 of refuſal or neglect of officers 2 juſtices may ſummon,

warrant on non-appearance,

determine ſummarily,

7 may compound.

Treaſurers from time to time to pay 100l.

XXII. *ſect.* 14. So ſoon as conveniently may be during this act after the perſon or perſons, or either of them, acting as treaſurer or treaſurers to ſaid commiſſioners, ſhall at any time have received one hundred pounds, monies appointed to be received by him or them, by virtue and for purpoſes of this act, he and they ſhall from time to time pay the ſame into ſuch bank, as to ſaid commiſſioners, or any ſeven or more, ſeem fit, in name, and account of ſaid commiſſioners, and to be diſpoſed of by order of ſaid commiſſioners, or any ſeven or more, for purpoſes of this act.

7 at a board may order ſtreets, &c. to be pitched, paved, &c.

XXIII. *ſect.* 15. Said commiſſioners, or any ſeven or more, regularly aſſembled, and forming a board in purſuance of this act, ſhall have full power and authority from time to time to order and direct any publick ſtreets, lanes, quays, bridges, ſquares, courts and alleys, now in being, or hereafter to be made within ſaid city, and county of city of Dublin, and places herein after mentioned, or any part or parts of ſuch ſtreets, lanes, quays, bridges, ſquares, courts, and alleys, as well as thoſe uſed by foot paſſengers, as by carriages, to be pitched, paved, repaired, raiſed, or altered; and alſo to cauſe to be dug, carted, and carried out of, or brought into, ſaid ſtreets, lanes, quays, bridges, ſquares,

squares, courts, and alleys, or any of them, ſuch gravel, ſtones, and other materials, as they ſhall judge neceſſary; and may likewiſe cauſe the ground thereof to be raiſed or lowered; and all poſts, rails, ſigns, ſteps, bulks, ſtalls, holes, pits, ſhew glaſſes, ſhew-boards, jet-out-windows, walls incloſing dunghills, as alſo all ſteps, and doors opening, or leading from the foot-ways or carriage-ways, into vaults, cellars, or other places, to be removed, filled up, or altered; and to employ ſuch artificers, workmen, labourers, carters, and others, and to iſſue ſuch money on thoſe accounts, and to do all ſuch other acts and things as ſaid commiſſioners, or any ſeven or more, ſo aſſembling and forming a board judge neceſſary.

lower, remove poſts, &c.

XXIV. *ſect.* 16. And whereas Plunket-ſtreet hath been upwards of ſeventy years, the only market place for ſale of cloaths for the lower claſs; no powers granted by this bill to the commiſſioners or committees, ſhall extend to the removing pent-houſes, ſhop-windows, or frames, which jet-out in ſaid ſtreet, as it will greatly injure ſaid market, and ruin the trade thereof, to the great prejudice and loſs of a great number of induſtrious people.

Pent-houſes, &c. in Plunket-ſtreet excepted.

XXV. *ſect.* 17. Said committees, or any five or more of the perſons conſtituting ſaid committees, may from time to time at any of their ſaid meetings, as occaſion ſhall require, contract with any perſons for paving all or any of ſaid ſquares, ſtreets, bridges, quays, courts, alleys, places, and lanes; which contracts ſhall ſpecify the ſeveral works to be done, and the prices to be paid, and the times when ſaid works ſhall be compleated, and penalties in caſe of non-performance, and ſhall be ſigned by ſaid committees, or any five or more, at ſuch meetings aſſembled, and forming a board, and by ſuch perſons contracting to perform; but previous to the making of any ſuch contract fourteen days notice ſhall be given in the Dublin Gazette, expreſſing their intentions to make ſuch contracts, that any perſons willing to undertake, may make propoſals, to be offered and preſented to ſaid committees at a certain time and place in every ſuch notice mentioned; which contract muſt be approved of and ſigned by the commiſſioners, or any ſeven or more, otherwiſe to be null and void; and no contracts ſhall be made after the preſent year but between the firſt of February and firſt of June.

5 committee men at meeting may contract for paving,

ſpecifying the works,

ſigned at board by them and contractors,

14 days notice in Gazette to receive propoſals,

contracts approved and ſigned by 7 commiſſioners,

XXVI. *ſect.* 18. Nothing in this act ſhall be deemed or taken to make void any contract, covenant, or agreement between landlord and tenant touching or concerning the paving any or any part of ſaid ſquares, bridges, quays, ſtreets, courts, alleys, places, or lanes, or any of them; but whatever perſon, who is now by any ſuch contract or agreement obliged to pave or keep in repair any part of ſaid ſquares, courts, alleys, places, or lanes, or either of them, ſhall in lieu thereof be obliged to pay the rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſhall by ſaid commiſſioners, or any ſeven or more, at ſuch meetings be deemed juſt and reaſonable, according to the true meaning of ſuch contract, covenant, or agreement, for and during ſuch time as ſuch contract, covenant, and agreement ſhall remain in force; and in caſe any diſpute ſhall ariſe concerning ſuch agreement, ſaid commiſſioners or any ſeven or more, at ſuch meeting ſhall have power to hear and finally determine.

Not to avoid agreements between landlord and tenant as to paving,

diſputes as to agreement determined by 7 at meeting.

XXVII. *ſect.* 19. It ſhall be lawful for receivers of the rates or aſſeſſments appointed by ſaid commiſſioners, or any ſuch receiver or receivers, or for any perſons authorized by ſaid commiſſioners, or any ſeven or more, at all convenient times, firſt having an order under the hands of ſaid commiſſioners, or any ſeven or more, for that purpoſe, to inſpect the books or rates made for

Receivers,

the watch or poor-houſe money in Dublin, in order to aſcertain the rates and aſſeſſments to be raiſed by this act; and alſo to take copies thereof and make extracts therefrom, and to inſpect and take copies or extracts of or from any book kept for that purpoſe; which inſpection, copies, and extracts, church-wardens, or other officers of their reſpective pariſhes and places, or other officers, or perſons, having the cuſtody of ſuch books and rates, are required to permit and ſuffer to be made without fee or reward by ſuch receivers, or other perſons appointed as aforeſaid, on their producing an order under the hands of ſaid commiſſioners, or any three or more of them, for that purpoſe; and in caſe any ſuch church-wardens, or other officers or perſons, neglect or refuſe ſo to do, within three days after ſuch order ſhall be produced and ſhewn to them, or a copy thereof left at their laſt or moſt uſual place of abode, they ſhall for the firſt offence forfeit twenty ſhillings, the ſecond forty ſhillings, and the third and every other, three pounds.

producing order by 3 commiſſioners,

refuſing 3 days after order ſhewn or copy left, penalty 1ſt offence 20s. 2d 40s. 3l. after.

XXVIII. *ſect.* 20. The property of ſaid pavements, iron, timber, furniture, and all other materials and things, made uſe of for purpoſes of this act in the ſeveral diviſions of ſaid city and other places herein after mentioned, ſhall be, and are veſted in the reſpective committees for time being; and they are ſeverally authorized to bring, or cauſe to be brought, any action, in name of the clerk of the reſpective committees, or to prefer, order, and direct the preferring indictments againſt any perſon, who ſhall ſteal, take, carry away, or embezzle any, or any part of ſuch materials or things; and if any perſon wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the ſaid materials or things, or any of the works made in purſuance of this act, or any part or parts thereof, every perſon ſo offending, and being convicted by oath of one or more witneſs or witneſſes before any one or more juſtices of peace for the county, where ſaid offender apprehended, ſhall, for firſt offence, forfeit any ſum not exceeding 40 ſhillings, nor leſs than ten, and for the ſecond and every other, not exceeding three pounds nor leſs than twenty ſhillings; levy by diſtreſs and ſale of goods and chattles of every ſuch offender, by warrant under hand and ſeal of the juſtices before whom ſuch conviction made; which forfeiture ſhall be applied for the purpoſes of this act: and in caſe the perſons ſo offending and convicted have no goods or chattles, whereupon the ſame can be levied, it ſhall be lawful for one or more ſuch juſtices, by warrant under hand and ſeal, to commit to the houſe of correction, for any ſpace not exceeding two calendar months, nor leſs than ten days, reckoned from the day of commitment; and perſons ſo incurring, and being convicted of any of ſaid pecuniary penalties, ſhall not be diſcharged until he, ſhe, or they ſhall have paid the ſum forfeited, or until the expiration of ſaid reſpective times.

Property of materials.

Old materials.

XXIX. *ſect.* 21. Said committees, reſpectively, or any five or more of the perſons conſtituting, ſhall have full power to ſell and diſpoſe of all or any part of any old materials to ſuch perſons as ſhall be willing to buy, and to apply the purchaſe money to purpoſes of this act.

Pavements taken up for mending pipes or accidental fire.

XXX. *ſect.* 22. And whereas the perſons, who furniſh water to inhabitants of Dublin, are by law now authorized to take up the pavements by their own paviours, who may be guilty of neglects in repairing: when and ſo often as it ſhall be neceſſary to take up any part of the pavements of ſaid ſquares, ſtreets, bridges, quays, alleys, courts, places, or lanes, which ſhall be compleated by virtue of this act, for amending the pipes, or in caſes of accidental fire, by any other perſons, the ſame ſhall, with all convenient ſpeed be repair-

ed

ed at expence of ſaid perſons ſo furniſhing water for ſaid city by the paviour or paviours contracting with or employed by them; but if for purpoſes of this act, it ſhall at any time be found neceſſary to raiſe, ſink, or any other ways to alter the poſition of any of the pipes or plugs laid down or placed by any of the ſaid perſons for ſupplying ſaid city with water as aforeſaid, the ſame ſhall be paid for out of the monies ariſing by virtue of this act; and alſo at all times with as little detriment or inconvenience to ſaid perſons, as the circumſtances of the caſe will admit.

Agreement with the grand canal company confirmed.

XXXI. *ſect.* 23. And whereas an agreement hath been entered into between the corporation of the city of Dublin and company of undertakers of the grand canal, in the words following, "Reſolved, that it be agreed between the ſubſcribers to the grand canal and the city of Dublin, that in conſideration of the ſubſcribers ſupplying the city with ſuch a quantity of water, hereafter to be aſcertained, as ſhall amply ſupply the ſeveral inhabitants thereof, the city ſhall pay to the ſaid ſubſcribers ten *per cent.* upon the groſs produce of the revenue that ſhall ariſe to the city from the ſale of the ſaid water; the payment of the ſaid ten *per cent.* not to commence until the firſt day of May 1776; and the ſubſcribers alſo engaging, that they ſhall not erect any works upon the navigation, which ſhall cauſe any impurity in the water, ſo as to render it unfit for uſe." "Reſolved, that it be alſo agreed, that the ſubſcribers, on their part, and the city on theirs, ſhall uſe their beſt endeavours to obtain an act of parliament for ratifying the above agreement as ſoon as poſſible." Therefore the ſaid agreement, and every part thereof, ſhall ſtand ratified and confirmed.

Four times a year or oftener, receiver's account delivered,

XXXII. *ſect.* 24. Four times at leaſt in every year, or oftener if required, an account from the books to be kept by receivers of ſaid rates, duties, and ſums of money as aforeſaid, ſhall be fairly ſtated, and ſigned by ſaid receivers, and delivered by them to ſaid commiſſioners and committees; which commiſſioners, or any ſeven or more, are impowered to diſcharge ſuch receivers of all ſuch monies, as they ſhall have fairly and truly accounted for.

7 commiſſioners may diſcharge.

No alteration in form of pavement,

XXXIII. *ſect.* 25. No perſon ſhall make, or cauſe to be made, any alteration in the form of any pavements of ſaid ſquares, bridges, quays, courts, alleys, ſtreets, lanes, or places compleated by this act, or of any part thereof, or any encroachments therein; or put up any poſt, rails, ſigns, ſtep or ſteps, or erect any bulks or ſtalls, or place any ſhew-glaſſes, ſhew-boards, or jet-out windows, or make any hole or pits, without the conſent and direction of ſaid commiſſioners, or any ſeven or more, under hands and ſeals, upon pain of forfeiting for every ſuch offence five pounds, over and above all expences incurred, or to be incurred, in reinſtating the ſame; levied by diſtreſs and ſale of goods and chattles of every ſuch offender by warrant under hands and ſeals of any two or more juſtices for the county, where ſuch offender apprehended, with the charges of ſuch diſtreſs and ſale, rendering the overplus, if any, to owner of ſuch goods and chattles, when demanded.

no poſts, &c. erected or placed, or holes made,

penalty 5l. above expences.

Houſe occupier, or if let to inmates,

XXXIV. *ſect.* 26. Every occupier of any houſe or tenement within ſaid city, and in reſpect of houſes let to inmates, every houſe owner, ſhall, once every day, from firſt of May to the firſt of October, before eight, and from the firſt of October to the thirtieth of April before ten o'clock in the forenoon of each day, ſcrape, ſweep, and cleanſe, or cauſe to be ſwept, ſcraped, and cleanſed, the foot-way all along the front of their reſpective houſes or tenements; or in default thereof ſhall for every ſuch offence forfeit and pay one

before 10 to ſweep front foot way, or pay 1s.

ſhilling; to be levied and applied in ſuch manner, as any of the penalties and forfeitures hereby inflicted are directed.

Water pipes to houſes,

XXXV. *ſect.* 27. It ſhall be lawful for ſaid commiſſioners, or any five or more, when they think fit, to raiſe, ſink, or otherwiſe alter the poſition of any of the leaden or other pipes, which, for conveying water into any houſe, area, or other place, ſhall be laid into or from any pipe laid down, or placed by any perſons, who furniſhed the inhabitants of the city with water; the expence whereof ſhall from time to time be paid out of the money ariſing by, or appropriated to the purpoſes of this act; and ſhall always be done with as little detriment and inconvenience to ſaid perſons or inhabitants, as the circumſtances of the caſe ſhall admit.

out of the money by this act, with as little inconvenience as poſſible.

Pavement taken up for pipes.

XXXVI. *ſect.* 28. So often as any part of ſaid pavements of ſaid ſquares, ſtreets, or lanes, or other places, begun to be paved by this act, ſhall be taken up by any perſons for placing, altering, or amending any pipe or pipes, the ſame ſhall with all convenient ſpeed be repaired by the paviours contracting with or employed by ſaid commiſſioners at expence of proprietors of ſaid leaden or other pipes reſpectively.

Notice to ſurveyors of taking up pavements, repaired with ſpeed,

XXXVII. *ſect.* 29. When and ſo often as any part of the pavements of any ſquares, ſtreets, lanes, courts, alleys, paſſages, or places, begun to be paved by this act, ſhall be intended to be taken up by any perſons for making, repairing, or altering any vault or drain, or any other purpoſe whatſoever, the perſons ſo intending to take up ſuch pavement, ſhall previouſly to the breaking up or opening, give notice thereof to the ſurveyors employed by commiſſioners for putting this act in execution, that the ſame may with all convenient ſpeed be laid down and repaired under inſpection of ſaid ſurveyors; and the charges and expences thereof ſhall be previouſly computed by ſaid ſurveyors; and in caſe ſuch perſons directed to give ſuch notice to ſurveyors, neglect ſo to do twenty-four hours at leaſt before ſuch pavements ſo taken up, ſuch perſons ſhall for every ſuch offence forfeit and pay five pounds; and it ſhall afterwards be lawful for lord mayor, or other juſtice of peace of ſaid city, to iſſue his warrant, under hand and ſeal, to diſtrain the goods and chattles of perſons offending herein, and ſaid goods and chattles ſhall be ſold as uſual in caſes of diſtreſs, firſt to reimburſe ſaid commiſſioners all expences in repairing and laying down pavements ſo broken up, the overplus to owner.

neglecting notice 24 hours before, penalty 5l.

warrant to diſtrain and ſell,

firſt to pay expences.

Obſtructing this act, 1ſt offence 20s. 2d, 40s. afterwards 3l.

XXXVIII. *ſect.* 30. If any perſon ſhall obſtruct, hinder, or moleſt any ſurveyor or other officer, or perſons whatſoever, employed to put this act in execution, in the performance or execution of their duty, every ſuch perſon ſhall for firſt offence forfeit twenty ſhillings; for ſecond forty ſhillings; for the third, and every other, three pounds; and in caſe of nonpayment ſent to houſe of correction for one month.

or committed one month.

Paved and repaired according to cuſtom at expence of pariſhes or corporations.

XXXIX. *ſect.* 31. Where any part of the pavements of ſaid ſquares, ſtreets, and lanes, or other places, have been accuſtomed or ought to be paved and repaired by any particular pariſhes, bodies politick or corporate, and not by owners or occupiers of the houſes or other buildings adjoining to the pavements, the ſame ſhall be paved and repaired at the expence of the reſpective pariſhes, bodies politick or corporate, by the paviours contracting with or employed by ſaid commiſſioners.

With whom 7 commiſſioners may compound.

XL. *ſect.* 32. It ſhall be lawful for ſaid commiſſioners, or any ſeven or more, from time to time to compound and agree for the ſame by the year with any ſuch pariſh or pariſhes, or bodies politick or corporate, for a certain ſum,

ſum, by the foot or other meaſure, as ſaid commiſſioners, or any ſeven or more, think reaſonable.

XLI. *ſect.* 33. All ſigns, ſign irons, poſts, boards, ſpouts, gutters, or any encroachment or other annoyance whatſoever, already built, placed, or hung in any of the ſquares, ſtreets, or lanes, ſhall be, at the expence of ſaid commiſſioners, fixed or placed on the fronts of ſuch houſes reſpectively, whereto the ſame ſhall belong, or may from time to time be removed and placed in ſuch manner as ſaid commiſſioners, or any three or more, think moſt proper and convenient, to prevent occaſioning any obſtruction or annoyance; and for the future all irons, boards, ſpouts, or gutters, ſhall be placed or fixed on the fronts of the houſes, ſhops, warehouſes, or buildings, whereunto they reſpectively belong, and not otherwiſe: and if any perſons hereafter hang, place, erect, or build any ſign, ſign poſt, or iron, board, ſpout, gutter, or any other annoyance, or cauſe the ſame to be done, in any other manner than as aforeſaid, every ſuch perſon ſhall for every ſuch offence forfeit and pay five pounds, levied and recovered in ſuch manner as penalties are by this act directed.

Signs, &c. or other annoyance, removed and placed as 3 think convenient; ſpouts, &c. fixed on front, for any annoyance, penalty 5l.

XLII. *ſect.* 34. If any or any part of any ſuch ſign iron or poſt-board, gutter, or ſpout ſhall remain unuſed after the alteration made thereto, as before directed, the ſame ſhall be returned to and be the property of the perſon, to whom the ſame belonged before ſuch removal or alteration.

Property unuſed.

XLIII. *ſect.* 35. Said reſpective committees, or any five or more, ſhall have full power and authority from time to time to cauſe all or any part of ſuch ſquares, ſtreets, and lanes to be well watered, as often as occaſion, in ſuch manner as ſaid committees, or any five or more of the perſons conſtituting reſpectively, direct, and defray the expences ariſing thereby out of the money raiſed by or appropriated for purpoſes of this act.

Watering ſtreets.

XLIV. *ſect.* 36. Said reſpective committees, or any five or more, may order and direct the ſeveral inhabitants of the ſeveral houſes in ſaid ſquares, ſtreets, lanes, and other places in this act mentioned, to number their reſpective houſes, in ſuch manner as ſaid reſpective committees, or any five or more, think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on ſtone or wood, fixed on a conſpicuous part of ſome houſe or other building at each end and corner of each ſquare, ſtreet, or lane, the name by which ſaid ſquare, ſtreet or lane is uſually or properly called or known; and if any perſon wilfully or maliciouſly deſtroy, pull down, injure, obliterate, or deface any ſuch name or deſcription, or any part thereof, or cauſe or procure the ſame to be done, or ſhall neglect to number his houſe as directed by commiſſioners, or any five, and be convicted thereof by his or her own confeſſion, or oath of one or more credible witneſſes before one or more juſtices of peace for the county where ſuch offender apprehended (which oath ſaid juſtices are impowered to adminiſter) every ſuch perſon ſhall for every ſuch offence forfeit and pay fifty ſhillings; levied, recovered, and applied, as the penalties and forfeitures are by this act directed.

And order inhabitants to number houſes, and name of the ſtreet at each end, defacing the ſame, or not numbering, 50s. as other penalties.

XLV. *ſect.* 37. For defraying the charges and expences of paving and repairing ſaid ſquares, ſtreets, lanes, bridges, quays, and other places, now being, or hereafter to be made, within ſaid city, and county of city of Dublin, and places herein after mentioned, one or more rate or rates, aſſeſſment or aſſeſſments, ſhall twice in every year, or oftener if thought needful

Aſſeſſments twice a year,

ful by ſaid commiſſioners, or any nine or more, be laid, and aſſeſſed by ſaid commiſſioners, or any nine or more, of and upon all and every the lands, houſes, ſhops, warehouſes, cellars, vaults, tenements within ſaid city, liberties, and other places herein after mentioned, in ſuch ſum and ſums as ſaid commiſſioners, or any nine or more, ſhall yearly and every year order and direct; ſo as ſuch rates or aſſeſſments do not exceed in the whole one ſhilling in the pound in any one year of the yearly rent of ſuch lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements, as the ſame ſhall have been aſcertained and rated towards maintenance of watch in ſuch pariſh and place reſpectively for each preceding year; which rates or aſſeſſments ſhall be paid annually by ſuch perſons, and in ſuch proportion, manner, und form, as rates toward ſupport of the watch are now paid.

not exceeding in 1 year 1s. per pound of yearly rent as rated for watch.

Owners of houſes let to 2 or more;

XLVI. *ſect.* 38. And whereas many houſes are let out in lodgings or tenements to divers tenants: it ſhall be lawful for ſaid commiſſioners, or any nine or more, from time to time, and at all times when they meet, to make a rate in purſuance of this act, to rate and aſſeſs the owner or owners of ſuch houſes or tenements, as ſhall be let to, or occupied by, two or more tenants; which rate and aſſeſſments ſhall be paid by one or more of the tenants or occupiers of any part of ſuch houſes; and in caſe any occupier or occupiers of any part of ſuch houſes or tenements refuſe to pay, the ſaid rate and aſſeſſment ſhall be levied by diſtreſs and ſale of the goods of him, her, or them ſo refuſing, which diſtreſs and ſale ſhall be made in ſuch manner as other diſtreſſes and ſales are by this act directed; and ſuch occupier or occupiers of ſuch tenements, are hereby required and authorized to pay ſuch ſums, as ſo rated or aſſeſſed on the owner or owners, in purſuance of this act, and to deduct the ſame out of the rent thereof; and the owners or proprietors are required to allow ſuch deductions and payment, upon receipt of the reſidue of their rents; and every ſuch tenant, paying ſuch rates or aſſeſſments, ſhall be acquitted and diſcharged for ſo much as ſaid rates or aſſeſſments amount unto, as if actually paid to ſuch perſons to whom their rent ſhould have been due and payable.

paid by one or more occupiers of any part;

on refuſal levied by diſtreſs and ſale,

deducted out of rent,

allowed on receipt of reſidue, and tenant diſcharged for ſo much as if actually paid.

If unoccupied, half rate paid by owner;

XLVII. *ſect.* 39. In caſe any of the lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements, or any parts thereof, within ſaid city, or county of city, ſhall at any time after making ſaid rates or aſſeſſments be empty, untenanted, or unoccupied, one half of ſaid rates, aſſeſſments, or the one half of ſuch other rates, as may be aſſeſſed by virtue of this act, ſhall be paid by the owner or proprietors, and in caſe of non-payment thereof ſuch lands, houſes, ſhops, warehouſes, vaults, cellars, or other tenements ſhall be a ſecurity for, and chargeable with the arrear of ſuch rates and aſſeſſments.

on non-payment premiſſes a ſecurity for arrear.

Every tenant or occupier liable to the whole.

XLVIII. *ſect.* 40. That ſaid rates may be more effectually collected, all and every tenant or tenants, occupier or occupiers of lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements, are and ſhall be liable, and pay the whole of ſuch rates to receivers, appointed by ſaid commiſſioners, as therein is directed.

Nine commiſſioners to aſſeſs publick meetings, dead walls, &c.

XLIX. *ſect.* 41. It ſhall be lawful for ſaid commiſſioners, or any nine or more at diſcretion, and they are hereby required, when the rates and aſſeſſments hereby directed, ſhall from time to time be made, to rate and aſſeſs all churches, church-yards, and other yards, chapels, meeting-houſes, ſchools, market-houſes, warehouſes, walls, and buildings fronting to and having benefit of the public ſtreets, void ſpaces of ground, and all publick buildings whatſoever, ſituate,

ſituate, ſtanding, lying, and being within ſaid city and county of the city of Dublin, and other places herein after mentioned, at a rate to be ſettled by nine or more of ſaid commiſſioners, for every ſquare yard belonging to every ſuch pariſh church, church-yard, or other yard, chapel, meeting-houſe, ſchool, hall, market-houſe, ware-houſe, and other public buildings whatſoever; the rates or aſſeſſments ſo ſettled ſhall be paid for ſuch pariſh churches, chapels, and church-yards, by the reſpective church or chapel-wardens, and for ſuch yards, meeting-houſes, ſchools, halls, market-houſes, warehouſes, walls, and other buildings fronting to and having the uſe and benefit of the ſtreets, and all other publick buildings, by the owners, proprietors, or occupiers of the ſoil on which ſuch ſtand.

paid by church or chapel wardens for churches, &c.

L. *ſect.* 42. If any perſon neglect or refuſe to pay ſums rated or aſſeſſed by this act, for ten days after perſonal demand thereof, or demand in writing left at the place of abode or occupation of perſons ſo rated and aſſeſſed, and neglecting or refuſing to pay, it ſhall be lawful for ſuch receivers, appointed to receive ſaid rates and aſſeſſments, by warrant under hands and ſeals of two or more juſtices of peace for the county of Dublin, and for county and county of the city, as the caſe may happen (which warrant ſaid juſtices are authorized and required to grant) by and with the aſſiſtance of a conſtable of the pariſh or place where ſuch neglect or refuſal may happen, (who is required to be aiding and aſſiſting) to enter into any part of the premiſſes within ſaid city and county of city, and places herein after mentioned, occupied by the perſons ſo rated and aſſeſſed, and to diſtrain their goods and chattles; and if not replevied, or the monies paid within five days after ſuch diſtreſs, together with the coſts of diſtreſs, aſcertained by any two or more of ſaid juſtices, then to ſell ſo much and ſuch part thereof, as will be ſufficient to pay ſaid rate and aſſeſſment, with all coſts and charges attending ſaid diſtreſs and ſale, returning the overplus (if any) to owners of ſuch goods and chattles.

On non-payment 10 days after demand.

LI. *ſect.* 43. All money raiſed by this act, and all monies appropriated, given, or paid, for purpoſes of this act, ſhall be veſted in ſaid commiſſioners, and applied for purpoſes of this act, and for no other uſe or purpoſes whatſoever.

Money veſted in commiſſioners.

LII. *ſect.* 44. Where any perſons ſo rated and aſſeſſed ſhall quit their dwelling-houſe, warehouſe, ſhop, vault, cellar, or tenement, in the pariſh or place wherein ſuch rate or aſſeſſment made, before they ſhall have paid, and afterwards refuſe to pay the ſame when due, and demanded by perſons ſo authorized and appointed to collect and receive, in every ſuch caſe it ſhall be lawful for ſaid receivers, and every or any of them, by warrant under hand and ſeals of any two or more juſtices for the county where offender apprehended, as the caſe ſhall happen (which warrant ſaid juſtices are required to grant) in any place, to diſtrain the goods and chattles of ſuch perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the overplus, if any, after having conducted reaſonable charges and expences of diſtreſs and ſale, to the owner demanding the ſame, to be aſcertained in like manner as coſts and charges of other diſtreſſes and ſales are herein before provided and directed.

Quitting houſes to evade payment.

LIII. *ſect.* 45. And for more effectual and proportional rating other buildings and erections belonging to any land, houſe, ſhop, warehouſe, cellar, vault, or other tenement, not already rated for the watch, it ſhall be lawful for ſaid commiſſioners, or any nine or more, and they are required, at ſuch times as the rates and aſſeſſments hereby are directed to be made, to rate and aſſeſs all other buildings and erections belonging to any ſuch land, houſe, ſhop, warehouſe, cellar,

Buildings not rated for watch aſſeſſed not exceeding 4d. per ſquare yard;

or

or vault, or other tenement, ſituate, ſtanding, lying, and being within ſaid pariſhes and places comprehended within this act, at the rate not exceeding four-pence every ſquare yard of pavement belonging to ſuch ſpace of ground, building, or other erection, over and above what ſuch land, houſe, ſhop, warehouſe, cellar, vault, or other tenement, to which ſuch building, or erection belongs, ſhall by this act be rated at; ſaid rates or aſſeſſments to be laid, received, recovered, and applied by this act; and all dead walls and void ſpaces in ſaid ſtreets ſhall be reſpectively rated by ſaid commiſſioners, or any five or more, according to the annual value which ſaid commiſſioners ſhall judge ſuch grounds would be let for to a ſolvent tenant; and ſums ſo aſſeſſed ſhall be paid by proprietor of ſuch grounds, until the ſame ſhall be built; and when the ſame ſhall be built, ſuch new houſes ſhall then be rated as other houſes in ſaid ſtreet.

dead walls and void ſpaces by commiſſioners by annual value as to a ſolvent tenant; paid by proprietor 'till built, then rated as other houſes.

LIV. *ſect.* 46. All perſons paying rates and aſſeſſments by this act laid, ſhall be exempted and diſcharged from charge and expence of paving or keeping in repair the pavements of ſaid ſquares, ſtreets, or lanes, or any of them; and alſo from all penalties by reaſon or means of their neglecting to pave or keep the ſame in repair.

Payment of rates a diſcharge from paving.

LV. *ſect.* 47. If any perſon ſhall ride, or run, carry, drive, or draw, or cauſe to be run, carried, driven, or drawn, on any foot-ways of any of the ſquares, ſtreets, lanes, courts, alleys, yards, paſſages, or places, paved or flagged by virtue of this act, any wheel or wheels, ſledge, wheel-barrow, or any carriage whatſoever, ſuch perſon ſhall forfeit for firſt offence ten ſhillings, the ſecond twenty ſhillings, the third and every other forty ſhillings, ſterling.

Drawing carriage on foot way,

firſt offence 10s. 2d, 20s. 40s. after.

LVI. *ſect.* 48. It ſhall be lawful for ſaid commiſſioners, or any five or more, or any perſons by them duly authorized and appointed to ſearch for, dig, raiſe, and carry away any gravel, ſand, ſtones, or other materials fit and neceſſary for repairing and paving ſtreets in the ſeveral grounds of any perſon (not a deer-park, garden, orchard, yard, or planted walk, or avenue to any houſe) where any ſuch materials may be found, paying ſuch rates to owners or occupiers of the ground, from which the ſame ſhall be raiſed, gathered, and carried away, as ſaid commiſſioners, or any five or more judge reaſonable; and in caſe any owner or occupiers think himſelf injured or aggrieved by adjudication of ſaid commiſſioners, it ſhall be lawful to appeal therefrom to quarter ſeſſions for the county of Dublin, or county of the city, within their reſpective juriſdictions, who ſhall and are required finally to determine ſuch matter, and to award ſuch reaſonable ſums for damages to ſuch owner or occupiers as aſſeſſed by a jury at ſuch ſeſſions, upon hearing the reſpective parties and their council, and examination on oath of any witneſſes produced on either ſide.

Five commiſſioners may impower to dig for materials,

except in deer-park, &c. ſatisfying owner,

who may appeal to ſeſſions,

where ſettled by jury.

LVII. *ſect.* 49. It ſhall be lawful for ſaid commiſſioners, or any ſeven or more, to purchaſe any quantity of ground, not a deer-park, garden, orchard, yard, or planted walk or avenue to any houſe, for ſearching for, digging, raiſing, and carrying away any gravel, ſand, ſtones, or other materials, fit and neceſſary for paving and repairing ſtreets, paying ſuch value to the owners or occupiers, as ſaid commiſſioners, or any ſeven or more, ſhall judge reaſonable, with like remedy of appeal as before mentioned, with reſpect to the digging, raiſing, and carrying away gravel, ſand, and ſtones, and other materials.

Purchaſe ground (not deer-park, &c.) for materials for paving, paying value.

like appeal.

LVIII. *ſect.* 50. If any receivers die before they have fully paid and ſatisfied all money received by this act, the executors or adminiſtrators, or other legal repreſentatives, or perſons poſſeſſing the late eſtate and effects of any ſuch receivers, ſhall, out of ſuch eſtate or effects pay ſaid treaſurers all ſuch ſums by ſuch

Repreſentatives of receivers to pay treaſurers;

ſuch receivers ſo received and not paid, or ſo much thereof as ſaid eſtate or effects will extend to pay; and the receipt of three or more of ſaid commiſſioners ſhall be a good diſcharge; and every executor, adminiſtrator, or other perſon as aforeſaid, may to any action or ſuit, plead or give evidence of payment of the ſame, and ſhall be allowed payment of the ſame out of ſuch eſtate or effects; and in caſe of non-payment twenty-one days after demanded, it ſhall be lawful for ſaid treaſurers, and they are required, in their own names, to commence and bring actions, in any courts of record at Dublin againſt ſuch executors or adminiſtrators, or other perſons as aforeſaid, for recovery of the ſame; and after deducting the expence of recovering, the treaſurer ſhall account for remainder.

in court of record; to account for reſidue.

LIX. *ſect.* 51. It ſhall be lawful for ſaid commiſſioners, or any ſeven or more, from time to time, to compound and agree with any perſons, againſt whom ſaid commiſſioners or committees, or any five or more, ſhall bring, or cauſe to be brought, any actions, or ſuits for penalties in any contracts, on account of any breach or non-performance of any ſuch contracts, for ſuch ſums as they, or any ſeven or more, think proper; ſo as the ſum ſo compounded and agreed for be not leſs than the injury or damage ſuſtained by the breach or non-performance of ſuch contracts, and all coſts, charges, and expences occaſioned thereby.

Seven commiſſioners may compound ſuits, not leſs than the damage with expences.

LX. *ſect.* 52. All penalties and forfeitures by this act impoſed (where the manner of levying and recovering is not hereby otherwiſe particularly directed) ſhall be levied and recovered by reaſonable and adequate diſtreſs and ſale of offenders goods and chattles, under hand and ſeal of a juſtice of peace, as the caſe may be, which warrant ſuch juſtice is impowered and required to grant, upon confeſſion of parties, or evidence of any one or more credible witneſſes upon oath (which oath ſuch juſtice is required to adminiſter) and the penalties and forfeitures, when recovered, after rendering the overplus, (if any be) upon demand to parties whoſe goods and chattles ſo diſtrained and ſold, charges of diſtreſs and ſale being firſt deducted, ſhall be paid to the treaſurer, and applied towards purpoſes of this act, and in caſe ſufficient diſtreſs cannot be found, and ſuch penalties or forfeitures not paid, it ſhall be lawful for ſuch juſtice, and he is required, by warrant under hand and ſeal, to commit ſuch offenders to the houſe of correction, not exceeding two months.

Penalties not otherwiſe directed, levied by adequate diſtreſs and ſale by a juſtice's warrant, paid to treaſurer for purpoſes of this act.

LXI. *ſect.* 53. No proceeding touching conviction of any offenders againſt this act, or any order, matter, or thing tranſacted in or relating to execution of this act, ſhall be vacated or quaſhed for want of form, or removed by *certiorari*, or any other writ or proceſs whatſoever, in any courts of record at Dublin, any law or ſtatute to the contrary notwithſtanding.

Proceedings not quaſhed for form, nor removed by *Certiorari*, &c.

LXII. *ſect.* 54. If any perſon think himſelf aggrieved by any thing in purſuance of this act, and for which no particular relief already appointed, ſuch perſon may appeal to any general quarter ſeſſions for the county or place, wherein the cauſe of complaint ſhall ariſe, and within three months after the cauſe ariſen, ſuch appellant firſt giving twenty-one days notice at leaſt in writing of intention to appeal, and of the matter thereof to the clerk or treaſurer to ſaid commiſſioners, and within two days after ſuch notice, entering into recognizance before ſome juſtice of the county or place, with two ſufficient ſureties, conditioned to try ſuch appeal at ſaid ſeſſions, and abide the order, and to pay ſuch coſts as awarded at ſuch quarter ſeſſions; and ſaid juſtices, upon due proof of ſuch notice, and of ſuch recognizance, ſhall hear and finally determine the cauſes and matter of ſuch appeal in a ſummary way, and award ſuch coſts to parties

Appeal to ſeſſions in 3 months, on 21 days notice in writing to clerk or treaſurer, and recognizance with 2 ſureties in two days after,

ſoſts awarded, determination final.

ties appealing, or appealed, as they think proper; and the determination of ſuch quarter ſeſſions ſhall be finally binding and concluſive to all intents.

Diſtreſs not unlawful for form, nor parties treſpaſſers,

LXIII. *ſect.* 55. Where any diſtreſs made for any money to be levied by this act, the diſtreſs itſelf ſhall not be deemed unlawful, nor the parties deemed treſpaſſers on account of any default or want of form in any proceedings relating thereto; nor deemed treſpaſſers *ab initio* on account of any irregularity, afterwards done by the party or parties diſtraining, but the perſon aggrieved by ſuch irregularity, may recover full ſatisfaction for the ſpecial damage in action on the caſe.

ſatisfaction in caſe for irregularity.

Not if tender of ſufficient amends;

LXIV. *ſect.* 56. No plaintiff ſhall recover in any action for any ſuch irregularity, treſpaſs, or other proceedings, if tender of ſufficient amends made by or on behalf of the parties, who committed, or cauſed to be committed, any ſuch irregularity, treſpaſs, or wrongful proceedings, before ſuch action brought; and in caſe no ſuch tender made, it ſhall be lawful for defendants in any ſuch actions, by leave of the court before iſſue joined, to pay into court ſuch ſum of money as he or they ſhall think fit, whereupon ſuch proceedings, or order, and judgments ſhall be had, made, and given in and by ſuch court, as in other actions where defendant allowed to pay money into court.

if no tender defendant by leave may before iſſue pay into court.

Mortgage for years funds in each diviſion, not above one third of income, apply the ſum in the diviſion.

LXV. *ſect.* 57. To raiſe a ſum ſufficient in each of ſaid five diviſions for purpoſes of this act, it ſhall be lawful for ſaid commiſſioners, or any fourteen, to mortgage any part of funds ariſing from this act, in each of ſaid five diviſions, for any number of years; provided the funds ſo mortgaged, ſhall not in the whole exceed one third of the annual income in each of ſaid five diviſions; and the ſum, ſo raiſed in each diviſion, ſhall be applied and diſpoſed of in the diviſion upon which the ſame ſo raiſed.

Purchaſe buildings or ground for publick uſe,

LXVI. *ſect.* 58. Said commiſſioners may contract with owner of any houſe or building, or piece of ground, for purchaſe for uſe of the publick, paying for the ſame out of the monies ariſing from ſaid rates ſuch ſum, as ſhall be agreed upon between any fourteen of them and ſuch owner; and in caſe they cannot agree, paying a reaſonable recompence, aſcertained upon the oath of twelve indifferent men of the city and pariſhes aforeſaid (which oath any two commiſſioners are impowered to adminiſter) and they, or any ſeven, are impowered from time to time to iſſue a ſummons under hands and ſeals, requiring an indifferent jury of twenty four of the city or pariſhes aforeſaid, to attend at ſuch time and place as in ſuch ſummons; and the commiſſioners ſhall at ſuch time and place ſwear twelve of the twenty-four, who ſhall be drawn by ballot by the clerk to commiſſioners; which twelve ſhall be a jury for aſcertaining value of ſuch houſe or building, whoſe valuation concluſive to all; and the commiſſioners, or any fourteen, ſhall order ſuch houſe or building to be taken down and removed, and the expences attending taking down ſhall be paid by the commiſſioners out of the monies ariſing from ſaid rates; and the ſite of ſuch houſe or building, or of ſuch part of ſuch building, and ſuch parcel of land ſo purchaſed, ſhall be laid into ſaid ſtreets, ſquares, and paſſages, for widening, enlarging, and rendering more commodious the ſame, as the commiſſioners think proper, and ever after be deemed part of ſaid publick ſtreets, ſquares, and paſſages, and be paved, repaired, and cleanſed, in ſame manner as the other ſtreets, ſquares, and paſſages, in the city and pariſhes aforeſaid, are directed, and ſhall be ſubject to all powers herein contained relative to ſaid ſtreets, ſquares, or other paſſages in the city and pariſhes.

the ſite and land laid into the ſtreets, &c.

deemed part, paved and cleanſed as others, and ſubject to like powers.

Not to make new ſtreets or paſſage.

LXVII. *ſect.* 59. Nothing herein ſhall extend to impower ſaid commiſſioners, to make new ſtreets or paſſages; any thing herein to the contrary notwithſtanding.

LXVIII. *ſect.*

All poſſeſſed or intereſted may treat for purchaſe,

LXVIII. *ſect.* 60. All perſons whomſoever, who are or ſhall be owners or proprietors of, or poſſeſſed of, or intereſted in, any ſuch buildings or hereditaments, may treat and agree with ſaid commiſſioners, or any fourteen, for purchaſe of ſuch buildings or hereditaments, or any part thereof, or for their intereſt therein, for purpoſe aforeſaid, and may ſell and convey the ſame, as occaſion ſhall require; and all agreements and conveyances, ſo made, ſhall be valid to all intents whatſoever; any law, uſage, or cuſtom to the contrary notwithſtanding: and all bodies politick, corporate, or collegiate, feoffees in truſt, executors, truſtees, and other perſons, are hereby indemnified, for what they do in purſuance of this act.

ſell and convey,

agreements valid,

bodies corporate, truſtees, &c. indemnified.

Where ſtreets lie in ſeveral diviſions.

LXIX. *ſect.* 61. Where any ſtreet, quay, alley, ſquare, bridge, or lane ſhall be within two or more diviſions, the commiſſioners are impowered to proportion the expence for paving the ſame on the ſaid diviſions, in which the ſame lie, as they or any nine think proper, and to order the paving to be executed under direction of whatever committee ſaid commiſſioners, or any nine appoint.

Inhabitants of quays.

LXX. *ſect.* 62. The commiſſioners or committees ſhall have full power to oblige all inhabitants of quays to keep in proper repair and decent order, the walls that embank the river before their reſpective houſes, and to keep their parapet walls regular and of an even height in ſuch manner, and of ſuch height, as ſaid commiſſioners, or any nine, think fit and ſafe; and all ſuch walls ſhall be coped with one even cut-ſtone of mountain grit; and in default thereof the ſaid commiſſioners, or committee of diviſion, are impowered to ſerve the inhabitant with notice in writing, left at his houſe, requiring him to repair, raiſe, or lower ſaid wall before his houſe, and to cope with mountain grit-ſtone as aforeſaid; and in caſe ſuch inhabitant neglect or refuſe to repair, alter, or cope ſaid wall within one month after ſaid notice ſerved, it ſhall be lawful for ſaid commiſſioners or committee in ſuch diviſion, as the ſaid default ſhall ſo happen, to repair, raiſe, lower, and cope ſaid wall, and levy the coſt by ſale of goods and effects of ſaid inhabitant.

Perſons, by cuſtom or contract to repair the walls, not exonerated.

LXXI. *ſect.* 63. This ſhall not extend to exonerate the corporation of Dublin, or any perſons by any cuſtom or contract obliged to build, repair, or keep in order the walls on ſaid river; but ſaid corporation and perſons ſhall be compelled thereto by commiſſioners or committees, in manner before mentioned, as perſons inhabiting quays are ſubject and liable.

1ſt payment 29 Sept.

LXXII. *ſect.* 64. The firſt payment by virtue of this act ſhall be made on the 29th of September next.

Commiſſioners powers extend to liberties, &c.

LXXIII. *ſect.* 65. The powers, veſted by this bill in the commiſſioners, may extend to the liberties of Chriſt-Church and ſaint Patrick's, and to Cavendiſh-Row, Palace-Row, Gardiner's-Row, Great George's-Street, Great Britain-Street, Summer-Hill, and Temple-Street; and the liberty of Chriſt-Church annexed to the pariſh of ſaint Michael; the liberty of Patrick's to Nicholas without; and Cavendiſh-Street, Palace-Row, Gardiner's-Row, Great George's-Street, Great Britain Street, Summer-Hill, and Temple-Street, annexed to pariſh of ſaint Thomas, as to the powers veſted in the ſeveral proteſtant inhabitants of the ſame, for purpoſes of this act; and the powers veſted in commiſſioners, and ſeveral committees, may ſeverally extend to the ſame, as annexed to the ſeveral pariſhes under the direction of ſaid committees.

liberties and ſtreets annexed to pariſhes, for purpoſes of this act.

Sackville and Marlborough-ſtreets excepted.

LXXIV. *ſect.* 66. No powers granted in this bill to commiſſioners or committees, ſhall extend to Sackville-Street, or Marlborough-Street.

Proceedings entered, ſigned by clerks at meeting.

LXXV. *ſect.* 67. All orders and proceedings of ſaid commiſſioners or committees at meetings ſhall be entered in books kept for that purpoſe; and ſuch orders and proceedings, ſo entered, ſhall be ſigned by the clerks at any meeting of ſaid commiſſioners aſſembled, or a ſufficient *quorum* of them, as the caſe ſhall require, except in caſes of adjournment; and ſuch orders ſhall be deemed and taken original orders; which books ſhall and may be produced and read in evidence in all courts whatſoever.

Acts or orders.

LXXVI. *ſect.* 68. No act or order of ſaid commiſſioners or committees valid, unleſs at publick meeting, which ſhall conſiſt of either three, five, ſeven, or nine, as neceſſary under any part of this act.

Commiſſioners powers.

LXXVII. *ſect.* 69. All powers and authorities of this act, granted to or veſted in ſuch commiſſioners, ſhall and may from time to time be exerciſed by the major part of them, as attend at any publick meeting as before mentioned; and all orders and proceedings of major part of ſuch commiſſioners, preſent at ſuch meetings, ſhall have ſame force and effect, as if by all ſuch commiſſioners for the time being.

No ſuit for any thing done till eight days notice,

LXXVIII. *ſect.* 70. No action or ſuit ſhall be commenced againſt any perſons for any thing done in purſuance of this act, until eight days notice given in writing to clerk or treaſurer to ſaid commiſſioners; nor any action continued, unleſs at peril of the party, after ſufficient ſatisfaction, or tender thereof, made to parties aggrieved; or any action inſtituted or commenced, unleſs within ſix calendar months next after the fact committed, for which ſuch action or ſuit brought; and every action ſhall be brought, laid, and tried in the county where ſuch matter and things reſpectively committed or done, and not in any other; and defendants in ſuch actions and ſuits, may plead the general iſſue, and give this act and ſpecial matter in evidence at any trials thereupon; and the matter or thing, for which ſuch action or ſuit ſo brought, was done in purſuance and by authority of this act; and if ſo done, or if ſuit brought before eight clear days notice as aforeſaid, or ſufficient ſatisfaction made or tendered as aforeſaid, or if ſuch ſuit not commenced within the time before limited, or laid in any other county or place, the jury ſhall find for defendant; and if verdict for ſuch defendant, or if plaintiff non-ſuited, or ſuffer a diſcontinuance, or if by default, or upon any demurrer, judgment ſo given for defendant, in any of the caſes aforeſaid, ſuch defendant ſhall have treble coſts, and ſuch remedy for recovering the ſame, as any defendant may have for coſts in any other caſes by law.

commenced in 6 months, laid and tried in the county; general iſſue, and ſpecial matter in evidence;

on verdict for defendant, &c. treble coſts, with uſual remedy.

Coſts of the act firſt paid.

LXXIX. *ſect.* 71. Coſts and charges of preparing, drawing, obtaining, and paſſing this act ſhall be paid by ſaid commiſſioners, as ſoon as may be, out of the firſt money ſo received.

LXXX. *ſect.* 72. The commiſſioners ſhall be one body corporate by the name of commiſſioners for paving the ſtreets of Dublin; and have a common ſeal by them appointed; and they and their ſucceſſors elected and aſſociated to them as by this directed, ſhall have perpetual ſucceſſion, and may ſue and be ſued in all courts of law or equity in any cauſes or ſuits by or againſt them by that name; and may take any ſecurities upon any contracts by them for any purpoſes herein before or after mentioned, in order to more effectual carrying this act into execution.

4 G. 1. c. 11 6 G. 1. c. 15. and 3 G. 2. c. 13. executed by 7 commiſſioners,

LXXXI. *ſect.* 74. Whereas ſeveral acts paſſed in the fourth and ſixth years of George the firſt, and third of George the ſecond, for paving and cleanſing the city of Dublin; ſaid commiſſioners, or any ſeven or more, veſted with full and ſufficient power and authority to enforce the execution of

ſaid

ſaid acts by ſuch proper ways and means, as to them ſeem moſt proper and convenient.

LXXXII. *ſect.* 75. After the ſixth day of June next, all clauſes and proviſions in one other act 29 *Geo.* 2. intitled, *An act for making more effectual the ſeveral acts paſſed for repairing and amending the ſtreets and highways in and about the city of Dublin*, which relate to breadth of wheels of carts, and waggons drawn by two or more horſes, or beaſts of draught, ſhall, after paſſing this act, be conſtrued to extend to, and ſhall extend to carts, drays, and waggons drawn by one horſe or beaſt of draught only, in ſame manner as they now extend to thoſe drawn by two or more. 29 G. 2. c. 13, extended to carts, &c. drawn by one horſe.

LXXXIII. *ſect.* 76. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, and juſtices and other perſons without ſpecially pleading the ſame. A publick act.

LXXXIV. *Stat.* 15 & 16 *Geo.* 3. *cap.* 20. *ſect.* 1. Whereas an act paſſed in the thirteenth and fourteenth of his preſent majeſty, *for paving the ſtreets within the city and county of the city of Dublin*, and it would forward the good purpoſe of ſaid act, that no commiſſioner or committee-man ſhould have power to act, who ſhall not, in their own right, or in right of their wives, be poſſeſſed of a certain property; and a power is given to the commiſſioners, or any ſeven, to cauſe all poſts, rails, ſigns, ſteps, bulks, ſtalls, holes, pits, ſhow-glaſſes, ſhow-boards, jet-out windows, walls incloſing dung-hills, as alſo ſteps and doors into vaults, cellars, or other places, to be removed, filled up, or altered; and it has cauſed ſome diſcontents, that the powers of removing rails from the fronts of houſes, and filling up areas, is intruſted to the determination of ſo ſmall a body as ſeven commiſſioners; and further powers and authorities are neceſſary to be given, and further regulations made, to effect the purpoſes aforeſaid: after firſt of May, 1776, no perſon ſhall be capable of acting as a commiſſioner or committee-man in execution of this act, unleſs he ſhall then be in his own right, or in right of his wife, in actual poſſeſſion or receipt of the rents of lands, tenements, or hereditaments of the clear yearly value of twenty pounds, or poſſeſſed of or intitled to a perſonal eſtate of the value of three hundred pounds; and if any perſon, not ſo qualified, ſhall preſume to act, every ſuch perſon ſhall for every ſuch offence forfeit fifty pounds to any perſon who ſhall ſue; recovered in any courts of record by action of debt, or on the caſe, or by bill, ſuit, or information, together with coſts of ſuit, wherein no eſſoign, protection, or wager of law, or more than one imparlance allowed, and wherein the proof of qualification ſhall lie on the perſon proſecuted; and it ſhall be ſufficient on the part of proſecutor to prove, that the perſon proſecuted had acted as a commiſſioner or committee-man in execution of this act. Recital 13 & 14 G. 3. c. 14. Qualification of commiſſioner or committee-man 20l. a year, or 300l. perſonal; penalty 50l. proof on defendant.

LXXXV. *ſect.* 2. No victualler, or perſon who ſhall ſell ale, wine, or ſpirituous liquors by retail, ſhall be elected or capable of acting as a commiſſioner or committee-man under this act. No victualler or retailer of liquor to act.

LXXXVI. *ſect.* 3. In caſe a ſufficient number of committee-men refuſe or neglect to attend on regular notice, to carry into execution the orders and directions of the commiſſioners, it ſhall be lawful for ſaid commiſſioners, or any ſeven or more, to carry their ſaid orders into execution without concurrence of ſuch committee ſo refuſing or neglecting to attend; and their orders to ſervants or officers of ſuch committee ſhall be ſufficient authority for them to act under. Committee not attending, 7 commiſſioners may act.

LXXXVII. *ſect.*

Recital 13 & 14 G. 3. c. 22. ſ. 2.

LXXXVII. *ſect.* 4. The aldermen and common-council returned commiſſioners purſuant to election in conſequence of ſaid act, or ſuch perſons as choſen to ſucceed, in caſe of any vacancy, ſhall continue commiſſioners until 24th of December, 1777; within fourteen days after which the aſſembly or common-council ſhall elect to be of the ſaid commiſſioners ſo many and ſuch perſons, as by ſaid act they are impowered; which election ſhall be continued from three to three years, during this act, and be in manner and form as by ſaid act is particularly directed in all reſpects, except only in the alteration of the time of making ſuch election from the 24th of June, to ſome day within fourteen days after the 24th of December in every year, where ſuch elections are to be made as aforeſaid, any thing in ſaid act to the contrary notwithſtanding.

Commiſſioner neglecting meeting 12 months,

another elected;

LXXXVIII. *ſect.* 5. If any preſent or future commiſſioner (not a commiſſioner from office) neglect to attend the meetings in purſuance of ſaid act, for twelve months, or if any committee-man neglect to attend meetings in purſuance of ſaid act one month, except prevented by ſickneſs or bodily inability, his place ſhall become vacant as if naturally dead, and ſhall be no longer authorized or impowered to act in ſaid office; and it ſhall be lawful for the remaining commiſſioners, and they are required in manner preſcribed in ſaid act, to elect a fit perſon commiſſioner in the room of ſuch former commiſſioner; and if ſuch vacancy ſhall happen by neglect or non-attendance as aforeſaid of any commiſſioners elected by the common-council, the clerk to ſaid commiſſioners ſhall give notice to lord mayor, who ſhall proceed, as ſaid act directs, to elect ſome other perſon in the room of ſuch former commiſſioner; which newly elected commiſſioner ſhall continue till expiration of the three years, for which the aldermen and common-council-men then commiſſioners ſhall have been elected; if ſuch vacancy happen by neglect or non-attendance of any committee-man, the clerk to the diviſion ſhall give notice to the miniſter or curate of the pariſh, in which ſaid perſon was elected, and ſuch miniſter or curate ſhall, in manner directed in ſaid act, convene a meeting of the proteſtant pariſhioners, and elect ſome other to be a committee-man in the room of ſuch former; and ſuch perſon, elected to fill any vacancy of commiſſioner or committee-man, after he ſhall have performed the requiſites in ſaid act, ſhall have all and every the rights, powers, and authorities of the perſon to whom he was ſo appointed to ſucceed as a commiſſioner or committee-man reſpectively.

on vacancy of commiſſioner another elected.

Five of committees in diviſions may contract for repairing pavement,

as by ſaid act.

LXXXIX. *ſect.* 6. Any five or more of the perſons conſtituting committees in the ſeveral diviſions in ſaid act, and the two diviſions hereby added, ſhall at the time they contract for paving, or at any other time, contract for keeping in repair the pavement of any of the ſquares, ſtreets, bridges, quays, courts, alleys, places, and lanes, in their reſpective diviſions; which contracts ſhall be done, executed, and approved of, as by ſaid act particularly mentioned.

14 commiſſioners to alter rails, windows, and areas.

XC. *ſect.* 7. The powers veſted in commiſſioners by ſaid act for cauſing all rails, jet-out windows, and areas, to be removed, filled up, and altered, ſhall not be carried into execution at any meeting, in which a leſs number than fourteen preſent.

Not without conſent where ſtreets 30 feet broad.

XCI. *ſect.* 8. No rail, area, or jet-out window, ſhall hereafter be removed, filled up, or altered, in any ſtreet thirty feet in breadth from area to area, and upon the quays from the area to the wall of the river,

river, without conſent firſt obtained of the owner or proprietor of ſuch houſe.

XCII. *ſect.* 9. Said commiſſioners, or any fourteen or more, any thing in this or ſaid recited act to the contrary notwithſtanding, may borrow at intereſt upon the credit of ſaid rates and aſſeſſments in each of ſaid five diviſions in ſaid act, and in each of the two diviſions hereby added, ſuch ſums as they find neceſſary for purpoſes in ſaid acts, in each of ſuch diviſions reſpectively; and may demiſe or mortgage ſaid rates and aſſeſſments in each of ſaid diviſions, or any part thereof (the coſts of ſuch mortgage to be paid out of ſuch rates and aſſeſſments) as a ſecurity to any perſon, who ſhall advance ſuch ſums, by writing under their common ſeal, in the words or to the effect following:

14 commiſſioners may borrow on demiſe or mortgage,

coſt out of the rates.

The written ſecurity under common ſeal,

" *By virtue of an act made in the fifteenth and ſixteenth years of the reign of* " *King George the third, intitled,* An act to explain and amend an act for paving " the ſtreets, lanes, quays, bridges, ſquares, courts, and alleys, within the city " and county of the city of Dublin, and other purpoſes relative to the ſaid city " of Dublin, and other places therein particularly mentioned: *we, the commiſſion-* " *ers for paving the ſtreets of Dublin, in conſideration of the ſum of* " *to the treaſurer of the ſaid commiſſioners in hand paid, do grant, bargain, ſell, and* " *demiſe unto A. B. his executors, adminiſtrators, and aſſigns, ſuch proportion of the* " *rates and aſſeſſments ariſing in diviſion by virtue of an act paſſed in* " *the thirteenth and fourteenth years of his preſent Majeſty's reign, intitled,* An act " for paving the ſtreets, lanes, quays, bridges, ſquares, courts, and alleys, within " the city and county of the city of Dublin, and other purpoſes relative to the " ſaid city of Dublin, and other places therein particularly mentioned: *and ſaid* " *act made in the fifteenth and ſixteenth years of his ſaid Majeſty's reign as the* " *ſaid ſum of doth or ſhall bear to the whole ſum advanced,* " *or to be advanced on the credit thereof, to be had and holden from this* " *day of in the year of our Lord* " *for and during the continuance of the ſaid acts, unleſs the ſaid ſum of* " *with intereſt, at the rate of* per centum per annum, *ſhall be* " *ſooner repaid and ſatisfied.*"

And copies of all ſuch mortgages or ſecurities ſhall be entered in the books or other records of ſaid commiſſioners; and the ſum ſo raiſed in each diviſion ſhall be applied and diſpoſed of in the diviſion upon which ſo raiſed; and the perſons ſo lending or advancing upon credit of this or ſaid act ſhall not be anſwerable or accountable for the application or non-application; and it ſhall be neceſſary on any ſuit or controverſy whatſoever to prove only the advancing and payment of the ſame to the ſaid treaſurer; and in all caſes where any notice or proceſs out of any court of law or equity relative to this or ſaid former act, neceſſary to be ſerved on ſaid commiſſioners, or the corporation erected by ſaid act, ſervice of the ſame on the treaſurer appointed by ſaid commiſſioners under ſaid act, ſhall be deemed good and ſufficient to all intents and purpoſes.

copies entered,

ſums applied in each diviſion,

lender not anſwerable for application,

and to prove only the advancing,

ſervice of notice on treaſurer ſufficient.

XCIII. *ſect.* 10. All perſons, to whom ſuch mortgage or ſecurity made, or entitled to the money thereby ſecured, may from time to time transfer their right, title, intereſt, or benefit to ſaid mortgages or ſecurities, and the principal and intereſt

Securities tranſferable by indorſement.

intereſt thereby ſecured, to any perſon by writing or ſigning an indorſement on ſuch ſecurities, in the words or effect following;

I do transfer this mortgage or ſecurity, with all my right and title to the principal hereby ſecured, and to all the intereſt now due upon the ſame, unto his executors, adminiſtrators, and aſſigns. Dated this day of

G. H.

So *toties quoties*, not in power of aſſignor.

XCIV. *ſect.* 11. Such transfer and aſſignment ſhall intitle ſuch aſſignee, his executors, adminiſtrators, and aſſigns, to benefit thereof, and payment thereon; and ſuch aſſignee may in like manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the power of ſuch perſon, who ſhall have made ſuch aſſignment, to make void or diſcharge the original ſecurity or monies due.

Creditors in equal degree in proportion to the ſums.

XCV. *ſect.* 12. All perſons, to whom ſuch mortgage, ſecurity, or aſſignment ſhall be made, ſhall be, in proportion to the ſums mentioned, creditors on ſuch rates and aſſeſſments in equal degree one with another.

Perſonal property not ſubject to popery laws.

XCVI. *ſect.* 13. The property of ſuch lender in ſuch mortgage or ſecurity ſhall be deemed in all courts of law and equity perſonal and not real eſtate, and alſo not ſubject to, or to be affected by, any of the laws to prevent the further growth of popery, or ſubject to any diſcovery under the ſame.

13 & 14 G. 3. c. 34. ſ. 41. as to laying ſcavenger's dirt, repealed.

XCVII. *ſect.* 14. Whereas by an act laſt ſeſſion any perſon who ſhall lay any filth or dirt collected from the ſtreets of the city, or liberties nearer than two hundred yards to any road within two miles of the caſtle of Dublin, or nearer than twenty one feet to the centre of any road at a greater diſtance than two miles from the ſame, ſhall be liable to forfeiture, and the ſaid part of ſaid act hath been found inconvenient, the ſaid recited part of ſaid act ſhall be repealed.

13 & 14 G. 3. c. 22. ſ. 26. as to ſweeping front footways, recited,

and further inforced by fines,

XCVIII. *ſect.* 15. Whereas by the ſaid act the owner or occupier of every houſe is required once in every day, as therein ſet forth, to ſcrape, ſweep, and cleanſe, or cauſe to be ſcraped, ſwept, and cleanſed, the foot-way all along the front of their reſpective houſes or tenements, or in default ſhall forfeit for every ſuch offence one ſhilling; the owner or occupier of any houſe, who ſhall offend by neglect or otherwiſe in the premiſſes as ſet forth in ſaid act, ſhall forfeit the following ſums; for the firſt offence, one ſhilling; for the ſecond, two ſhillings; for the third, three; for the fourth, four; and for the fifth, five ſhillings; and the ſaid fine of five ſhillings for every time he ſhall after ſo offend; to be recovered in the ſame manner as all or any of the penalties and forfeitures by ſaid act are recoverable: and it ſhall be lawful for ſaid commiſſioners, or any ſeven or more, to give and apply ſaid fines, as alſo all other fines levied by this and ſaid former act, or any part of them, (not exceeding one half of the ſum ſo levied) to the perſon or perſons who ſhall inform and proſecute to the recovery of ſuch fine any ſuch offenders, the reſidue towards the purpoſes of ſaid act.

half to proſecutor,

reſidue to purpoſes of the act.

Digging and leaving holes before houſes, not properly incloſed,

XCIX. *ſect.* 16. Whereas in ſeveral ſtreets and places in ſaid act mentioned there is a great quantity of earth dug up, and large holes or ſpaces left for making vaults to the houſes or tenements built or in building longer than is abſolutely neceſſary; and areas before houſes or tenements built or in building are often left open, and no fence, rails, or timber properly placed or fixed up, ſo as to prevent

prevent falling down, by reaſon whereof the lives of many are endangered; if any perſons ſhall dig out any earth, or leave any hole or void ſpace in any ſtreet, or place before any houſe or tenement built, or in building, within the limits aforeſaid, for making vaults, or any other purpoſe whatſoever, and ſhall not incloſe the ſame in a good and ſufficient manner, approved of by the ſurveyor or ſurveyors to ſaid commiſſioners, or ſhall keep up ſuch incloſure longer than abſolutely neceſſary, or ſhall not well and ſufficiently fence or rail before the area as fronting to any ſtreet or place, every perſon guilty of any of the offences aforeſaid ſhall forfeit five pounds; and the like ſum for every week ſuch nuiſance continued; to be recovered as penalties and forfeitures by ſaid act are directed.

incloſing longer than neceſſary, not fenceing areas, penalty 5l. and 5l. weekly.

C. *ſect.* 17. It ſhall be lawful for any perſon appointed by ſaid commiſſioners, or any five or more, to ſeize any ſtand, table, baſket, roots, fruit, barrow, blocks, timber, planks, benches, ſticks, caſk, or other obſtruction or annoyance ſtanding or lying in any of the foot-ways or carriage-ways, in this and ſaid act mentioned, and cauſe the ſame to be removed to the ſtore yard, or place appointed for keeping materials for the works of the diviſion wherein ſuch ſeizure made, until the owners pay five ſhillings to redeem the ſame; and in caſe the ſame ſhall not be claimed, and the penalty of five ſhillings, with expence of removing, paid within two days after ſeizure, it ſhall be lawful for ſuch perſons ſo appointed to cauſe the ſame to be appraiſed and ſold, and the reſidue of the money ariſing therefrom (after paying the penalty and charges) to be returned to the owners who ſhall demand the ſame.

Obſtructions in foot or carriage ways.

CI. *ſect.* 18. All landlords or owners, tenants or occupiers of any waſte or vacant piece of ground, or ſite of any houſe or tenement, in or adjoining to any of the ſtreets, lanes, or places in ſaid five diviſions, and two diviſions hereby added, which ſhall lie open to and unfenced from the ſame, or where the fence in a ruinous condition or out of repair, ſhall within twenty one days after notice delivered to them, or any or either of them, by order of ſaid commiſſioners, or any five or more, well and ſufficiently fence in the premiſſes mentioned in ſuch notice, or cauſe the old fence (if any) to be well and ſufficiently repaired within the time aforeſaid; and in caſe ſuch work not compleatly finiſhed within the time aforeſaid, it ſhall be lawful for ſaid commiſſioners to order and cauſe the ſame to be done, compleated, and finiſhed; and the tenant or occupier thereof, or other perſon in poſſeſſion, or ſeized thereof, to whom ſuch notice given, ſhall pay the expence upon demand of the perſon authorized by ſaid commiſſioners to receive the ſame; and in caſe of refuſal or neglect to pay, it ſhall be lawful for ſuch perſon as ſaid commiſſioners, or any five or more, ſhall authorize, to proſecute one or more actions or ſuits for recovery of ſuch expence, together with coſts of ſuit, from the perſon ſo neglecting or refuſing.

Waſtes fenced in 21 days after notice, by 5 commiſſioners, or done by commiſſioners order, at the party's expence.

CII. *ſect.* 19. Whereas horſe-riders and ſervants frequently exerciſe horſes in the ſtreets, to annoyance of paſſengers: if any perſons convicted in a ſummary way before a juſtice of ſaid city, upon oath of one or more credible witneſſes, or by confeſſion, of breaking or exerciſing horſes in any of the ſtreets comprehended within this or ſaid act, they ſhall be ſubject to the penalty of ten ſhillings, recovered as other penalties in ſaid act.

Breaking or exerciſing horſes in ſtreets, 10s.

CIII. *ſect.* 20. Whereas great inconvenience ariſes from laying rubbiſh in places in this and ſaid act mentioned, after which the ſame is carried upon low-back cars, and heaped in ſuch a mannner, that great part is dropped before carried out of town; no perſon whatſoever carrying out of any houſe, yard, cellar, court, lane, or alley, any coal aſhes, horſe dung, or rubbiſh, ſhall attempt to lay

Rubbiſh not laid down in ſtreets, &c.

carts to be ready to carry away, not on cars, penalty 10s.

down the ſame in any place mentioned in ſaid act, but ſhall have a cart ready at the door of ſaid houſe, yard, cellar, lane, or alley, to load ſuch rubbiſh in; and no perſon ſhall be permitted to load or carry away ſaid rubbiſh on any low-back car, or otherwiſe than in a cart, under penalty of ten ſhillings, recovered as other penalties in ſaid act.

Building materials, &c. on carriage or foot ways (unleſs incloſed) removed in two days after notice, penalty 10s. ſeized and removed to ſtore yard, if not claimed, and payment in 5 days, ſold.

CIV. *ſect.* 21. If any perſon ſet or place, or cauſe to be ſet or placed, in any of the carriage-ways or foot-ways within the limits aforeſaid, any caſks, package, timber, ſtones, wheels, bricks, lime, ſand, mortar, or wood, or any other materials or things whatſoever, for the purpoſes of making mortar, or of building any houſe, ſhop, ware-houſe, coach-houſe, ſtable, or tenement, or for any other purpoſe (unleſs incloſed in a pailing, or other erection, as herein after directed) and ſhall not remove the ſame within two days after notice given or left at the premiſſes where the ſame ſhall be, or if empty or unoccupied, or in building, ſtuck againſt the walls thereof, by any one of ſuch commiſſioners, or by any perſon by five or more of them appointed, every perſon ſo offending ſhall for every ſuch offence pay a ſum not exceeding ten ſhillings; and any one of ſuch commiſſioners, or any perſon ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch materials or things (not incloſed as aforeſaid) and take or remove, or cauſe to be taken or removed, to the ſtore yard, or place for keeping materials for works of the diviſion wherein ſuch ſeizure made, there detained until the owner or his known ſervant, ſhall pay to the perſons, in whoſe cuſtody the ſame ſhall be, the ſaid penalty, with charges of removing; and in caſe the ſame not claimed, and ſaid penalty and charges paid within five days after ſeizure, then it ſhall be lawful for ſaid commiſſioners, or any five or more, to order the ſame to be appraiſed and ſold, and the money ariſing ſhall be applied to purpoſes of this act.

2d offence, 1 day after notice, 20s. 40s. after.

CV. *ſect.* 22. If any ſuch nuiſance, obſtruction, or annoyance afterwards replaced, and continued one day, after notice to remove, the perſon convicted of ſuch ſecond offence ſhall forfeit twenty ſhillings, and forty ſhillings for every repeated offence.

Superviſor's licenſe to incloſe firſt had, paying 1s. penalty not above 20s. every 12 hours. if erected without leave, or longer than allowed, removed to ſtore-yard,

CVI. *ſect.* 23. No perſon ſhall erect or build, or cauſe to be erected or built, any ſuch pailing, or erect any poſts, bars, rails, boards, or other thing, by way of incloſure for making mortar, and depoſiting bricks, ſtone, lime, ſand, or any other materials for building or repairing any houſe, ſhop, ware-houſe, coach-houſe, ſtable, or tenement, or other works, or for any other purpoſe, without leave or licenſe firſt obtained under the hand of the ſuperviſor of the diviſion, who is required to grant the ſame forthwith, on every perſon ſo applying for ſuch licenſe, paying to ſaid ſuperviſor one ſhilling; and no perſon ſhall erect any ſuch pailing or incloſure in any other manner, or ſuffer the ſame to remain for any longer time than expreſſed in ſuch licenſe upon pain of forfeiting a ſum not exceeding twenty ſhillings, every twelve hours that the ſame, or any part thereof, ſhall be continued contrary to directions of this act; and if any ſuch kind of incloſure ſhall be erected without leave of ſaid ſuperviſor ſo had, or ſet up in any other manner, or continued for any longer time than allowed in ſuch licenſe, in either of ſaid caſes it ſhall be lawful for ſuch commiſſioners, or any five or more, to cauſe the ſame to be pulled down and removed, and the materials depoſited in the ſtore-yard or place for keeping materials for the works of the diviſions, wherein ſuch incloſure pulled down, there to be kept until the owner, or his known ſervant, ſhall pay to the perſon in whoſe cuſtody, the ſaid penalty, with charges of removing; and in caſe

caſe the ſame not claimed, and ſaid penalty and charges paid within five days after ſeizure, it ſhall be lawful for ſaid commiſſioners to order the ſame to be appraiſed and ſold, and the money ariſing ſhall be applied to purpoſes of this act.

if not claimed, and penalty paid in 5 days, materials ſold.

CVII. *ſect.* 24. If any perſon ſhall ſift, ſcreen, or ſlack any lime (except within ſuch incloſure as aforeſaid) in any ſtreet, lane, quay, ſquare, court, yard, alley, paſſage, or place comprehended within and under the juriſdiction of this and ſaid act, or cauſe the ſame to be done, he ſhall forfeit every ſuch offence forty ſhillings.

To ſift, ſcreen, or ſlack lime (ſave incloſed) 40s.

CVIII. *ſect.* 25. If any perſons empty any bog-houſe, or take away any night-ſoil from any houſe within any of ſaid five diviſions, or ſaid two diviſions hereby added, before eleven o'clock in the night, or ſhall continue to take away ſuch ſoil after five in the morning, or put or caſt any ſuch ſoil, or wilfully or negligently permit the ſame to run out of any car, cart, tub, pail, or otherwiſe, into any of the ſtreets, lanes, quays, bridges, ſquares, courts, alleys, or places in ſaid diviſions, it ſhall be lawful for any conſtable, beadle, or watchman (and they, and each and every of them, is required and injoined ſo to do) and for every or any other perſon whomſoever, to apprehend perſons ſo offending, and to carry them to the watch houſe in the pariſh, wherein ſuch offender ſo taken up (the conſtable or keeper whereof reſpectively are required to take ſuch offenders into cuſtody) and thereafter as ſoon as conveniently may be to convey them, before one or more of the juſtices for ſaid city, who upon ſuch offence proved upon oath of the perſon apprehending, or others, ſhall commit ſuch offender to the bridewell of ſaid city, not exceeding one month, nor leſs than two days there to be kept to hard labour; and ſaid commiſſioners, or any nine or more, are authorized to order any ſum, not exceeding twenty ſhillings, nor leſs than five ſhillings, to be paid out of ſaid rates raiſed by this and ſaid former act, to the perſons by whom ſaid offender ſo detected, apprehended, and conveyed to ſuch watch houſe, as a reward for their trouble.

Night ſoil taken only between 11 at night, and 5 in the morng,

not caſt into ſtreet, &c.

offenders committed to bridewell, not above 1 month, nor under 2 days.

CIX. *ſect.* 26. It ſhall be lawful for ſaid commiſſioners, or any nine or more, to grant to owner or occupier of houſes of value of five pounds only, or under, by the year, ſuch relief in the payment of any rate or aſſeſſment, by this or ſaid recited act, as they think proper.

Houſes of 5l. a year may be exempted.

CX. *ſect.* 27. The governors and guardians of the hoſpital for reception of lying-in women ſhall be charged and pay the yearly ſum of twenty pounds, and no more, for pavement in and about ſaid hoſpital.

Lying-in hoſpital to pay only 20l. a year.

CXI. *ſect.* 28. And whereas it is highly conducive to the health and welfare of the citizens of Dublin, that the pleaſure grounds belonging to the hoſpital for reception of lying-in women, ſhould remain for their uſe and recreation as heretofore; it ſhall not be lawful for the governors or guardians of ſaid hoſpital, or their ſucceſſors, to leaſe out the whole or any part or parcel of ſaid pleaſure grounds for building thereon.

The pleaſure grounds not leaſed for buildings.

CXII. *ſect.* 29. The provoſt, fellows, and ſcholars of Trinity College near Dublin, ſhall for pavement in and about ſaid college pay the annual ſum of ſeventy pounds, and no more: and the lord mayor, ſheriffs, commons, and citizens of Dublin, ſhall for the pavement at or round ſaint Stephen's green pay the annual ſum of fifty pounds ſterling, and no more; any thing in this or ſaid act to the contrary notwithſtanding.

The college 70l. yearly.

St. Stephen's green 50l.

The corner houſes removed in 12 months,

CXIII. *ſect.* 30. Provided ſaid lord mayor, ſheriffs, commons and citizens do, within twelve months after paſſing this act, take down and remove the houſes at the corners of ſaid green, and round off the four angles of ſaid green from ſix to ten feet.

CXIV. *ſect.* 31. Whereas by reaſon of purchaſes, which ſaid commiſſioners are impowered to make by the recited act, they may happen to be poſſeſſed of ground, over and above what may be made uſe of for widening, enlarging, and improving the ſtreet, way, or paſſage, for which they purchaſed, it ſhall be lawful for ſaid commiſſioners, or any ſeven, or more, to let, ſell, or diſpoſe of any ſuch piece or pieces of ground, either together or in parcels, as they find moſt convenient, to ſuch perſons as ſhall be willing to contract, agree for, or purchaſe the ſame, giving preference to the perſons of whom purchaſed, and to apply the money ariſing to purpoſes of ſaid act; and it ſhall be lawful for ſaid commiſſioners, or any ſeven or more, to deſign, aſſign, and lay out in what manner any new houſes or edifices ſhall be erected or built upon any ground, which they ſhall be poſſeſſed of as aforeſaid.

9 commiſſioners may remove market obſtructions,

have ſtalls named and numbered.

CXV. *ſect.* 32. After the firſt of March, 1776, ſaid commiſſioners, or any nine or more ſhall remove and abate all obſtructions and nuiſances whatſoever in the ſeveral markets of ſaid city and liberties; and it ſhall be lawful for ſaid commiſſioners to oblige the owners, or tenants in poſſeſſion of any of the ſtalls in ſaid markets, to affix their names and numbers, in legible characters, on the front of their reſpective ſtalls; and in caſe ſuch owners or tenants refuſe or neglect to remove any nuiſance or obſtruction by them reſpectively occaſioned or made, after two days notice to them perſonally, or left at ſuch ſtalls, or to affix their names and numbers as aforeſaid, it ſhall be lawful for any nine or more of ſaid commiſſioners, or any perſon by them appointed in manner in ſaid act directed, to levy the following fines or forfeitures; for firſt offence five ſhillings, for the ſecond, ten, and for the third twenty ſhillings; and ſaid fine of twenty ſhillings for every time after ſuch perſons ſhall ſo offend.

Ground incloſed in dead walls,

CXVI. *ſect.* 33. When owners or proprietors of dead walls or void ſpaces of ground ſhall not be known, or cannot be found, ſo that the rates and aſſeſſments, which commiſſioners by ſaid act ſhall rate and aſſeſs, may be recovered and received, the ground incloſed in ſuch dead wall or void ſpace, ſhall remain and be a ſecurity to ſaid commiſſioners for all arrears of ſuch rates and aſſeſſments; and ſaid commiſſioners, or any nine or more, may, if they think proper, ſue in the name of their treaſurer, the owner, proprietor, or occupier of ſuch dead walls, or void ſpaces, for all or any of the rates made by virtue of ſaid act, and all arrears; in which action no eſſoign, protection, wager of law, or more than one imparlance allowed.

Rated by 5 commiſſioners.

CXVII. *ſect.* 34. All ſuch dead walls, and void ſpaces, ſhall be reſpectively rated by ſaid commiſſioners, or any five or more, at one ſhilling in the pound of the annual value, which ſaid commiſſioners, or any five or more, judge ſuch grounds, fronting to and bordering upon any of ſaid ſtreets and other places in this and ſaid act mentioned, would be let for by the foot to a ſolvent tenant, and no more; any thing in this or ſaid recited act to the contrary notwithſtanding.

St. Sepulchre's and Donore included.

CXVIII. *ſect.* 35. The baronies of ſaint Sepulchre's and Donore included in this act, and made two ſeparate diviſions, and called the ſixth diviſion, or diviſion of ſaint Sepulchre's, and the ſeventh diviſion, or diviſion of Donore, and ſubject to all the ſame taxes, aſſeſſments, rules, orders, and regulations,

for

for paving the highways, ſtreets, lanes, quays, bridges, ſquares, courts, and alleys, within ſaid baronies, as the other five diviſions, comprized within an act laſt ſeſſion *for paving the ſtreets within the city of Dublin*, are ſubject to, except in the two following particulars.

CXIX. *ſect.* 36. Whereas by ſaid act a tax, not exceeding one ſhilling in the pound in any one year, may be aſſeſſed by commiſſioners, or any nine or more, on places comprized in ſaid act, as aſcertained and rated, towards maintenance of the watch in ſuch pariſh and place reſpectively for each preceding year, and paid annually as the rates towards ſupport of the watch are now paid; and there is not any regular tax for maintenance of the watch in ſaid baronies of ſaint Sepulchre's and Donore; after the paſſing of this act into a law, one or more rates or aſſeſſments, ſhall, twice every year, or oftner if thought needful by the commiſſioners herein and by ſaid former act appointed, or any nine or more, be laid and aſſeſſed for and upon all and every the lands, houſes, ſhops, warehouſes, cellars, vaults, or tenements within ſaid baronies of ſaint Sepulchre's and Donore, in ſuch ſums as ſaid commiſſioners, or any nine or more of them, ſhall yearly, and every year, order and direct; ſo as ſuch rates or aſſeſſments do not exceed in the whole one ſhilling in the pound in any one year of the yearly rent, as aſcertained and rated for miniſter's money in ſuch baronies and places reſpectively, for each preceding year; which rates or aſſeſſments ſhall be paid annually by ſuch perſons, in proportion, manner, and form as rates for miniſter's money now paid.

13 & 14 G. 3. c. 22. ſ. 37. recited,

no watch tax for St. Sepulchre's and Donore.

CXX. *ſect.* 37. Whereas there are ſome places extra-parochial in ſaid baronies, that do not pay any miniſter's money; it ſhall be lawful for the proteſtant inhabitants of the baronies of ſaint Sepulchre's, aſſembled in veſtry at the church of ſaint Kevan, and of the barony of Donore, aſſembled in veſtry at the pariſh church of ſaint Luke, on the firſt Thurſday in February next, to nominate and appoint four perſons for each barony reſpectively, to value all lands, houſes, ſhops, ware-houſes, cellars, vaults, or other tenements in all extra parochial places in ſaid baronies, and make returns of ſuch valuations reſpectively, to the firſt board of commiſſioners that ſhall ſit after the firſt of April next, or in default of ſuch returns, or either of them, the firſt board of commiſſioners that ſhall ſit after the firſt of April next, and ſhall conſiſt of nine or more commiſſioners, are authorized and required to nominate four perſons for each or either of ſaid baronies ſo neglecting to make return, who ſhall value all the houſes, ſhops, warehouſes, cellars, vaults, and other tenements in the places extra-parochial in ſaid baronies of ſaint Sepulchre's and Donore reſpectively, and return their reſpective valuations to ſaid commiſſioners within one month after having received directions to make ſuch valuation; and the tax, laid on in other parts of ſaid baronies according to miniſter's money, ſhall in all places, extra-parochial, in ſaid baronies be laid on and paid according to one or other of the valuations aforeſaid, as one or other of them happen to be made.

4 perſons appointed in reſpective veſtry to value in extra-parochial places,

returned to 1ſt board,

in default, 4 named by the 1ſt board,

to return valuation in a month,

tax paid accordingly.

CXXI. *ſect.* 38. Whereas the baronies of ſaint Sepulchre's and Donore are in county of Dublin, the diviſional committees for ſaid baronies, or ſixth and ſeventh diviſions, may conſiſt each of the following parcels, and be conſtituted in manner following; the ſeneſchals and regiſters of the liberties of ſaint Sepulchre's, and Thomas-court, and Donore for the time being, to be always two reſpectively of ſaid committees; the three firſt perſons ſworn on the reſpective grand juries at next Eaſter courts leet held in ſaid liberties, likewiſe to

The diviſional committees for ſaid baronies,

ſeneſchals and regiſters,

to be of ſaid committees reſpectively, and to continue members 'till another grand jury in each of ſaid liberties ſworn at next ſucceeding Eaſter court leet, when the three firſt ſworn on the grand jury at ſuch next Eaſter court leet, ſhall ſucceed immediately as committee men to the three firſt of the laſt grand jury, and from time to time ſucceſſively, during this act; in caſe of death, diſability, or reſignation of any of ſaid grand jury men, the proteſtant inhabitants reſpectively aſſembled in veſtry in each barony, on notice in church, ſhall elect from time to time one, two, or three perſons, as the caſe may happen, in each barony, to ſupply the places of any ſuch grand jury men ſo dying, diſabled, or reſigning, in each barony; which perſons ſhall continue committee men, as long as the perſons ſo dying, diſabled, or reſigning, would have continued.

vacancies ſupplied in veſtry or notice.

ſaid committee-men commiſſioners.

CXXII. *ſect.* 39. The ſaid ſeneſchals and regiſters, and ſaid three other perſons appointed members of ſaid diviſional committees for ſaint Sepulchre's and Donore, may likewiſe, during their continuance as committee men, be commiſſioners for carrying into execution the powers, by this and ſaid former act veſted in commiſſioners.

Annual veſtry for St. Sepulchre's 1ſt Thurſday in Feb.

CXXIII. *ſect.* 40. On the firſt Thurſday in February next, and on every firſt Thurſday every ſucceeding February annually, the proteſtant pariſhioners of the ſeveral pariſhes, or parts of pariſhes, comprized within ſaid barony of ſaint Sepulchre's, ſhall meet in the veſtry room of the church of ſaint Kevan, or ſome other uſual place for tranſacting the publick buſineſs of that part of the pariſh of ſaint Peter in ſaint Sepulchre's, the uſual notice being firſt given by the miniſter or curate, and ſhall elect by ballot, ten perſons; four of whom ſhall at time of election, be reſident in that part of the ward of ſaint Kevan, within the line, and is comprized in ſaid barony of ſaint Sepulchre's; and four reſident in that part of the ward of New-ſtreet comprized in ſaid barony, and two reſident in the poddle ward in ſaid barony; which ten perſons, together with the ſeneſchal and regiſter of ſaid liberty of ſaint Sepulchre's, and the three grand jury men, or perſons elected as aforeſaid in their room, ſhall conſtitute a committee for better carrying this and ſaid former act into execution within the ſixth diviſion, or diviſion of ſaint Sepulchre's, and ſhall be armed with all the ſame powers, ſworn, and be in every reſpect exactly on the ſame footing, as any of the diviſional committees appointed by ſaid former act, or acting under the powers therein or herein given; and the proteſtant pariſhioners of the ſeveral pariſhes, or parts of pariſhes, comprized within the barony of Donore, ſhall meet in the veſtry room of the church of ſaint Luke, or ſome uſual place for tranſacting the publick buſineſs of ſaid pariſh, the uſual notice being firſt given by the miniſter or curate, and ſhall elect by ballot, eight perſons, ſix of whom ſhall be reſident at time of election in the pariſh of ſaint Luke in ſaid barony; and two reſident in that part of the pariſh of ſaint Catherine, comprehended within the barony of Donore; which eight perſons, together with the ſeneſchal and regiſter of the liberties of Thomas-court and Donore, and the three grand jury men, or perſons elected as aforeſaid in their room, ſhall conſtitute a committee for better carrying this and ſaid former act into execution within the ſeventh diviſion, or diviſion of Donore; and ſhall be armed with all the ſame powers, ſworn, and be in every reſpect exactly on ſame footing as any of the diviſional committees by ſaid former act, or acting under powers therein or herein given; and the five, who, out of perſons appointed committee men for ſaint Sepulchre's, are to be commiſſioners;

on uſual notice,

to elect 10 by ballot,

reſident in the reſpective wards, to be with others a committee for the 6th diviſion,

with like powers,

veſtry for Donore,

to elect 8 by ballot then reſident,

to be with others a committee for 7th diviſion,

the 5 committee-men commiſſioners of each barony, armed with like powers.

commiſſioners; and the five, who, out of perſons appointed committee men for Donore, are to be commiſſioners, ſhall likewiſe be armed with all ſame powers, and be in every reſpect on ſame footing, as the commiſſioners by ſaid former act.

CXXIV. *ſect.* 41. As to all pavements adjoining or belonging to all ſtables, coach-houſes, or other out-offices within the limits of this act, in caſe of defect or want of reparation, the owner or occupier of ſuch ſtables, coach-houſes, ware-houſes, or other out-offices, ſhall, within ſix days after notice given, or left in writing at the dwelling-houſe, or laſt place of abode, by or by order of two of the committee acting under this or the former act, well and ſufficiently, and in ſuch manner as ſhall by ſaid commiſſioners be directed, repair and amend all ſuch defects and wants of reparation; and in default of ſo doing, ſaid commiſſioners, or any five, may cauſe the ſame to be amended and repaired; and in caſe the coſts and expences ſhall not be paid to, or to order of ſaid commiſſioners, or any three, within ſix days after demand, ſaid commiſſioners, or any three, may cauſe the ſame to be levied by diſtreſs and ſale of goods and chattles of ſuch occupier or owner, by warrant under hands and ſeals of two juſtices of the city or county of city of Dublin; which warrant ſaid juſtices are authorized and required upon complaint of ſaid commiſſioners, or any three, to iſſue accordingly. Pavement to ſtables or offices.

CXXV. *ſect.* 42. Nothing in this act ſhall take away from, or deprive any perſon of any right of action, or to recover damages ſuſtained by ſuch perſon, by any act pretended to be done under ſaid former act, for which any action hath actually been commenced and proceeded upon. Action or right to damages not taken away.

CXXVI. *ſect.* 44. Whereas it may be dangerous and inconvenient, that ſedan chairmen ſhould not be permitted to paſs upon the broad or flagged foot-paths on the ſides of ſtreets of ſaid city; ſedan chairs, and the chairmen carrying the ſame with fares, may lawfully paſs and repaſs upon ſuch foot-paths without interruption, or being liable to any penalty or forfeiture. Sedans with fares may paſs flagged foot paths.

CXXVII. *ſect.* 45. The following perſons added to the commiſſioners named in the ſaid act, and have like powers they are inveſted with, *viz.* the honourable Richard Anneſley, Hercules Langford Rowley, William Brabazon Ponſonby, James Ormſbie, Dixie Coddington, Robert Lindſay, Clotworthy Rowley, Nicholas Tench, Joſhua Cooper, William Gore, and Richard Underwood, James Dennis, John Scott, James Shiel, Attiwell Wood, and Joſeph Hoare, Cornelius Grogan, William Burton, Charles Domville, and the ſeneſchal and deputy for liberty of St. Patrick, Dublin: and this act ſhall be deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons, without ſpecially pleading the ſame. Commiſſioners added, a publick act.

CXXVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 27. *ſect.* 1. Whereas by an act this ſeſſion, five thouſand pounds were granted to commiſſioners for making paſſages through Dublin, to be expended in widening from his majeſty's caſtle to the Parliament-houſe, between the caſtle-gate and George's-lane, and it may be more expedient to make a paſſage in a different line from that deſcribed in ſaid act, executed at leſs expence: no part of ſaid five thouſand pounds, except as after mentioned, ſhall be applied, until ſaid commiſſioners have firſt valued (purſuant to powers in them veſted) the houſes and grounds neceſſary to be purchaſed to make ſuch paſſage through the different lines, which may be propoſed for the ſame. Recital 17 & 18 G. 3. c. 1. 17.

CXXIX. *ſect.*

to be of ſaid committees reſpectively, and to continue members 'till another grand jury in each of ſaid liberties ſworn at next ſucceeding Eaſter court leet, when the three firſt ſworn on the grand jury at ſuch next Eaſter court leet, ſhall ſucceed immediately as committee men to the three firſt of the laſt grand jury, and from time to time ſucceſſively, during this act; in caſe of death, diſability, or reſignation of any of ſaid grand jury men, the proteſtant inhabitants reſpectively aſſembled in veſtry in each barony, on notice in church, ſhall elect from time to time one, two, or three perſons, as the caſe may happen, in each barony, to ſupply the places of any ſuch grand jury men ſo dying, diſabled, or reſigning, in each barony; which perſons ſhall continue committee men, as long as the perſons ſo dying, diſabled, or reſigning, would have continued.

vacancies ſupplied in veſtry or notice.

CXXII. *ſect.* 39. The ſaid ſeneſchals and regiſters, and ſaid three other perſons appointed members of ſaid diviſional committees for ſaint Sepulchre's and Donore, may likewiſe, during their continuance as committee men, be commiſſioners for carrying into execution the powers, by this and ſaid former act veſted in commiſſioners.

Said committee-men commiſſioners.

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Annual veſtry for St. Sepulchre's 1ſt Thurſday in Feb.

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to elect 8 by ballot then reſident,

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the 5 committee-men commiſſioners of each barony, armed with like powers.

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CXXV. *ſect.* 42. Nothing in this act ſhall take away from, or deprive any perſon of any right of action, or to recover damages ſuſtained by ſuch perſon, by any act pretended to be done under ſaid former act, for which any action hath actually been commenced and proceeded upon. Action or right to damages not taken away.

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CXXVII. *ſect.* 45. The following perſons added to the commiſſioners named in the ſaid act, and have like powers they are inveſted with, *viz.* the honourable Richard Anneſley, Hercules Langford Rowley, William Brabazon Ponſonby, James Ormſbie, Dixie Coddington, Robert Lindſay, Clotworthy Rowley, Nicholas Tench, Joſhua Cooper, William Gore, and Richard Underwood, James Dennis, John Scott, James Shiel, Attiwell Wood, and Joſeph Hoare, Cornelius Grogan, William Burton, Charles Domville, and the ſeneſchal and deputy for liberty of St. Patrick, Dublin: and this act ſhall be deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons, without ſpecially pleading the ſame. Commiſſioners added,

a publick act.

CXXVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 27. *ſect.* 1. Whereas by an act this ſeſſion, five thouſand pounds were granted to commiſſioners for making paſſages through Dublin, to be expended in widening from his majeſty's caſtle to the Parliament-houſe, between the caſtle-gate and George's-lane, and it may be more expedient to make a paſſage in a different line from that deſcribed in ſaid act, executed at leſs expence: no part of ſaid five thouſand pounds, except as after mentioned, ſhall be applied, until ſaid commiſſioners have firſt valued (purſuant to powers in them veſted) the houſes and grounds neceſſary to be purchaſed to make ſuch paſſage through the different lines, which may be propoſed for the ſame. Recital 17 & 18 G. 3. c. 1. 17.

CXXIX. *ſect.*

Separate eſtimates.

CXXIX. *ſect.* 2. As ſoon as ſuch lines ſurveyed, and valuation made, ſeparate accounts and eſtimates of the whole expence of ſuch line ſhall be laid before ſaid commiſſioners at a general meeting, of which twenty-one days previous notice at leaſt ſhall be given in Dublin Gazette, excluſive of the day of publiſhing and day of meeting; and ſaid commiſſioners, or major part ſhall at ſuch meeting determine through which of ſaid lines ſuch paſſage ſhall be made.

Made by 15.

CXXX. *ſect.* 3. Provided no ſuch determination ſhall be concluſive, unleſs made by fifteen commiſſioners appointed by the former act.

And the 5000l. applied thereto.

CXXXI. *ſect.* 4. As ſoon as ſuch determination made, ſaid commiſſioners ſhall apply ſaid five thouſand pounds towards making ſuch paſſage through ſuch line ſo determined on.

May apply for the ſurvey and valuation.

CXXXII. *ſect.* 5. Provided ſaid commiſſioners may apply ſuch part of the five thouſand pounds, as may be neceſſary to defray the expence of making ſuch ſurveys and valuation.

15 may contract for ſuch paſſage in the line within a certain time. and convey.

CXXXIII. *ſect.* 6 Provided it ſhall be lawful for ſaid commiſſioners or any fifteen or more, to contract with any perſon or perſons who undertake to lay open and make ſuch paſſage, in the line ſo agreed upon, within a certain time mentioned in ſuch contract; and in conſideration thereof to convey, transfer, and aſſign to ſuch perſons contracting, all ſuch houſes and lands, as ſhall be purchaſed or valued and veſted in ſaid commiſſioners for making ſuch paſſage, and alſo ſuch part of ſaid five thouſand pounds as ſhall remain unapplied as aforeſaid.

Each pariſh in Dublin a diſtinct ward, an alderman appointed during pleaſure by the board preſident of each ward,

CXXXIV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 43. *ſect.* 1. After 29th September 1778, each of the pariſhes within ſaid city and ſuburbs ſhall for purpoſes of this act only, and no other, be conſidered as, and ſhall be a diſtinct ward: and the lord mayor and board of aldermen ſhall from time to time nominate and appoint ſome one of the aldermen to be alderman of ſaid ward, and as ſuch to have the ſpecial ſuperintendence and care of, and to be the preſident or guardian of the police of each of the ſaid reſpective wards, during pleaſure of the ſaid lord mayor and board, without any diminution or infringement however of their or any of their general power, authority, and juriſdiction over the reſt of the ſaid city; and every ſuch alderman, preſident or guardian of the police in each ward, ſhall have full power to nominate ſome one perſon of the common council of ſaid city; and a reſident in and inhabitant of ſaid ward, to be and act in ſaid ward as aſſiſtant or deputy to ſaid preſident, during pleaſure of ſuch preſident; and ſuch deputy ſhall in abſence of his principal have all miniſterial powers, privileges, and authorities of his principal within the bounds of each ward, for which ſo appointed deputy.

preſident to appoint a reſident common-council-man, deputy, with all powers.

Deputy firſt approved at board, and ſwear to 800l. real or perſonal.

CXXXV. *ſect.* 2. Provided no perſon ſhall be capable of being or acting as ſuch deputy, until firſt approved of by lord mayor and board of aldermen, or the majority, and until ſuch deputy ſhall previouſly make oath before lord mayor, that he is then poſſeſſed of and entitled unto a real or perſonal eſtate of the value of eight hundred pounds, over and above ſufficient to ſatisfy and diſcharge all his juſt debts.

To remain of common-council and reſident.

CXXXVI. *ſect.* 3. Provided no perſon ſhall be capable of being or acting as ſuch deputy, any longer than whilſt he remains one of common council, and a reſident in and inhabitant of the reſpective ward for which ſo appointed.

CXXXVII. *ſect.* 4. Inhabitants of every of the ſaid wards ſhall every year, at a veſtry for that purpoſe, chooſe a certain number of inhabitants of ſaid ward, paying ſcot and lot, not leſs than ſix, nor more than twelve, to be repreſentatives of ſaid ward in a wardmote-court, and which wardmote-court ſaid alderman or his deputy, and ſaid inhabitants ſo choſen, ſhall have power to hold for the year next enſuing; and ſaid preſident or deputy ſhall, as occaſion may require, ſummon and call together the ſaid repreſentatives to hold a wardmote-court or aſſembly, in which ſaid preſident or deputy ſhall be chairman; and in all caſes of equality of voices amongſt the other members, have a caſting voice; and ſaid wardmote-court ſhall have power from time to time to make ſuch reaſonable rules, orders, and regulations with reſpect to police of ſaid ward and preſervation of peace therein, as to them or the majority ſeem fit, and to alter, amend, or repeal the ſame; and ſaid wardmote-court ſhall have power to chooſe and appoint from time to time ſuch a number of perſons as they judge requiſite to act as conſtables or inferior peace-officers in ſaid ward, and alſo to be watchmen, guards, or patroles of reſpective wards, from ſun-ſet to ſun-riſe, and to have the ſame properly clothed and armed ſuitable to the occaſion, and to make ſuch rules, orders and directions, as they from time to time think requiſite for more effectual preſervation of peace in ſaid ward, and to remove any of their ſaid conſtables, peace-officers, watchmen, guards, or patroles, and appoint others at their will and pleaſure; and ſaid preſident, deputy, and conſtables, inferior peace-officers, watchmen, guards, and patroles, and each of them, ſhall have full power to ſeize, arreſt and detain all robbers, thieves, rioters, drunken and diſorderly perſons, and other offenders againſt the peace, whom they find within the bounds of their wards, or ſhall purſue from thence into any other ward, and carry before the preſident of ſaid ward, or his deputy, or before any other magiſtrate of the ſaid city, to be dealt with according to law; and for that purpoſe to enter into, ſearch for, and ſeize ſuch perſons, or thoſe whom they reaſonably ſuſpect ſo to be, in any houſes within their wards, where ale, beer, porter, or ſpirituous liquors of any kind, ſold by retail, and kept open for reception or entertainment of ſuch as reſort thereto, from ten at night to ſix next morning, whether ſaid houſe be licenſed or unlicenſed.

Repreſentatives in wardmote choſen yearly at veſtry,

wardmote to make or alter rules;

appoint conſtables, watchmen, or patroles,

properly clothed and armed,

and remove at pleaſure,

with power to arreſt robbers, &c.

and to purſue into any other ward,

and to enter, ſearch for, and ſeize them.

CXXXVIII. *ſect.* 5. Whereas the number of unlicenſed and diſorderly houſes ſelling ale, beer, ſtrong and ſpirituous liquors, have greatly contributed to the robberies, riots, and diſorders committed; and the ſuffering houſes ſelling liquors, whether licenſed or not, to be kept open for reception or entertainment of ſuch as reſort thereto, at late and unſeaſonable hours, tends greatly to diſturb the peace and good order of ſaid city and ſuburbs, as ſuch houſes are found to harbour idle and diſorderly perſons: the magiſtrate and alderman of each ward, or his deputy, with the guards and patroles, ſhall and may enter into and ſearch all ſuch houſes, and for that purpoſe, if need be, to break open any door or doors, if not opened upon demand and requeſt for that purpoſe, and apprehend all perſons found therein, whom they have reaſonable cauſe to ſuſpect are robbers, thieves, or looſe, idle, or diſorderly perſons, and ſhut up, or cauſe to be ſhut up, ſuch houſes, and arreſt the keepers, that they may be proſecuted for keeping diſorderly houſes, or otherwiſe, as the caſe may warrant, at expence of the ward.

Power to enter and ſearch alehouſes, licenſed or not, and apprehend, and ſhut up ſuch houſes, and arreſt and proſecute the keepers.

CXXXIX. *ſect.* 6. This act ſhall be taken to be a publick one, and taken notice of as ſuch by all judges and courts whatſoever.

A publick act.

The archbiſhop may leaſe not above 40 years, 1 acre and 30 perches of St. Sepulchre's farm;

CXL. *Stat.* 17 & 18 *Geo.* 3. *cap.* 46. *ſect.* 1. Whereas it will tend to improvement of Dublin, and to opening a new and convenient paſſage to the circular road, if the archbiſhop impowered to grant a longer leaſe of ground, after mentioned, after paſſing of this act, it ſhall be lawful for John, lord archbiſhop of Dublin, to grant any concurrent or other leaſe or leaſes of that parcel of ground, not exceeding one acre and thirty perches, part of the farm of ſaint Sepulchre's, in county of Dublin, now in tenure and occupation of the right honourable John Scott, through which Harcourt-ſtreet is now laid out, and intended ſpeedily to be opened, for any term not exceeding forty years from time of making, notwithſtanding any leaſe or leaſes then in being: and for ſaid archbiſhop and his ſucceſſors, from time to time to renew for the like term of forty years: provided the rent reſerved to ſaid archbiſhop and his ſucceſſors by ſuch leaſe or leaſes be, as ſoon as the ſame ſhall take effect in poſſeſſion, not leſs than a rateable proportion of the preſent rent payable out of the whole of ſaid farm to ſaid archbiſhop and his predeceſſors for twenty years laſt paſt; any law or ſtatute to contrary notwithſtanding.

renew for 40 years.

Tenants to have for 2 months ſucceſſively an excluſive power to take concurrent leaſe.

CXLI. *ſect.* 2. Provided the immediate tenant firſt deriving under ſaid archbiſhop ſhall, during two months from time of paſſing this act, have the ſole and excluſive power of taking any leaſe by virtue of this act; and after the expiration of ſaid two months the tenant next deriving under ſuch immediate tenant for two months, immediately following ſhall have the like ſole and excluſive power of taking ſuch concurrent leaſe, if the firſt tenant refuſe or neglect to take within the two months given to him; and if at end of four months from paſſing of this act, neither the firſt or ſecond tenant have taken ſuch concurrent leaſe, the third, fourth, and every other tenant ſhall have ſucceſſively the like ſole and excluſive power of taking ſuch concurrent leaſe for two months next after expiration of the months given to the perſon from whom he immediately derives.

Subject to like covenants of renewal.

CXLII. *ſect.* 3. Every leaſe in purſuance of this act to the now immediate tenant of ſaid archbiſhop, or any perſon deriving from him, or to any of their executors, adminiſtrators or aſſigns, ſhall be ſubject and liable to like covenant of renewal to his or their derivative tenants, their executors, adminiſtrators or aſſigns reſpectively, as the leaſes now in being are ſubject to.

15 & 16 G. 3. c. 20. ſ. 20. repealed.

CXLIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 44. *ſect.* 16. Whereas by an act fifteenth and ſixteenth of his Majeſty no perſon carrying out rubbiſh ſhall lay down the ſame, but have a cart at the door to load ſaid rubbiſh in, and no perſon ſhall load ſuch rubbiſh on any low back car or otherwiſe than in a cart, under penalty of ten ſhillings, recovered as other penalties: the recited part of ſaid act ſhall be repealed; and any perſon carrying out of any houſe, yard, cellar, court, lane or alley, coal aſhes, horſe-dung, or rubbiſh, who ſhall attempt to lay down in any place in ſaid recited act, and being convicted by oath of one or more witneſſes, before one or more juſtices of ſaid city, ſhall for every ſuch offence forfeit ten ſhillings: and no perſon ſhall be permitted to load or carry away any ſuch otherwiſe than in a cart or car, which car ſhall be floored and encloſed by a boarded frame work, having tail board only moveable, under like penalty of ten ſhillings, recovered in manner aforeſaid.

CXLIV. *ſect.*

CXLIV. *ſect.* 17. Whereas by ſaid act fifteenth and ſixteenth of his Majeſty the barony of Donore is included, and the taxes impoſed have been very grievous to ſaid barony: every clauſe in ſaid act, which relates to extending proviſions of ſaid act to the barony of Donore, hereby repealed, and the ſaid barony ſhall be ſubject to all taxes, aſſeſſments, rules, orders, and regulations, and no other, as are in this and in the act thirteenth and fourteenth of his Majeſty.

15 & 16 G. 3. c. 20 relating to barony of Donore, repealed, ſubject to taxes, rules, &c. as in this act, & in 13 & 14 G. 3. c. 34. and no other.

CXLV. *ſect.* 18. Nothing herein ſhall extend to exonerating inhabitants of ſaid barony from any debt, or arrears of taxes or aſſeſſments incurred by ſaid act of fifteenth and ſixteenth years of his Majeſty.

CLXVI. *ſect.* 24. It ſhall be lawful for quakers to make affirmation, inſtead of oaths and affidavits required by this and ſaid act, which ſhall expreſs as nearly as poſſible, *mutatis mutandis*, the ſame words as the oaths and affidavits; and if any, who take oath, or make affirmation in conſequence of this and ſaid former acts, forſwear and guilty of wilful and corrupt perjury, or falſe affirmation, and thereof convicted by due courſe of law, they ſhall ſuffer the pains and penalties enacted againſt wilful and corrupt perjury.

Quakers may affirm, inſtead of oath.

CXLVII. *ſect.* 25. Suit for any thing done in purſuance of this act ſhall be commenced within ſix calendar months after the fact, and ſhall be laid in ſaid county of Dublin, and not elſewhere; and defendants ſhall and may plead general iſſue, and give this act and ſpecial matter in evidence, and was done by authority of this act; and if it appear ſo, or ſuch action brought after the time limited, or in other county or place, the jury ſhall find for defendants, and upon ſuch verdict, or if plaintiff non-ſuited or diſcontinue after defendants appeared, or if on demurrer judgment againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy as any defendants in other caſes.

Suits for acting in 6 months laid in county of Dublin only,

plead general iſſue, and ſpecial matter in evidence, and treble coſts on nonſuit, &c.

CXLVIII. *ſect.* 26. This act deemed a publick act, and judicially taken notice of as ſuch without ſpecially pleading; and ſhall have continuance from firſt day of next Michaelmas term after paſſing of this act incluſive until the twenty ſecond of June, one thouſand eight hundred and nineteen, and no longer.

A publick act, continued to 1819.

CXLIX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 12. *ſect.* 1. After paſſing this act notwithſtanding any leaſe or leaſes in being, it ſhall be lawful for the archbiſhop of Dublin, and his ſucceſſors reſpectively, to grant to tenants of the ſaid plot or any of them, having a *toties quoties* clauſe under ſaid ſee, any concurrent or other leaſe or leaſes in manner herein after ſet forth of all or any part or parts of ſaid plot of ground, parcel of ſaid farm, bounded on the ſouth by part of the circular road, on the north by Cuff-ſtreet and part of ſaint Stephen's Green, on the weſt by Cavan's-ſtreet leading to Milltown, and on the eaſt by the road from ſaint Stephen's green to Donnybrook, for any term not exceeding forty years; and it ſhall be lawful for ſaid archbiſhop and his ſucceſſors, from time to time to renew the ſame for a like term of forty years: provided the rent reſerved to ſaid archbiſhop and ſucceſſors by ſuch leaſes, and upon every renewal be, as ſoon as the ſame ſhall take effect in poſſeſſion, not leſs than a full acreable proportion of double the higheſt annual rent payable out of the whole of ſaid farm of ſaint Sepulchre's to ſaid archbiſhop and his predeceſſors for twenty years laſt, any law or ſtatute to contrary notwithſtanding.

Archbiſhop of Dublin, and ſucceſſors, may grant concurrent or other leaſes of part of St. Sepulchre's, not exceeding 40 years,

and renew,

reſerving double higheſt rent for 20 years.

Exclusive power to 1st tenant for 3 months from 1st Feb. 1782, on omission devolved upon the next,

CL. *sect.* 2. The tenant deriving first or immediately under said archbishop or his successors, his or her executors, administrators, and assigns, shall for three calendar months from the first of February one thousand seven hundred and eighty two have the sole and exclusive power of taking any lease or leases from said archbishop or his successors by this act; and if he or she, executors, administrators, and assigns shall omit to take such lease or leases, within said time, the power of taking such lease or leases, shall devolve upon the next or second tenant or tenants deriving under said see, or executors, administrators, and assigns, according to respective proportions of said plot, and in

on like omission 1 month upon the 3d, and so on to the lowest tenant in actual possession having a *toties* clause.

case of a like omission or failure in the second tenant or tenants, or executors, administrators, or assigns for one month, said power of taking such leases, shall devolve for a like space of one month on the third, or executors, administrators, or assigns, according to respective proportions as aforesaid; and so on for a like time to the fourth, fifth, sixth, and other intermediate derivative tenants, their executors, administrators, and assigns, so that the first or immediate tenant shall have during three months an exclusive power of taking such lease of the whole of said plot, as is permitted by this act; and every other tenant or tenants in gradation, according to respective proportions in said plot, shall have during one calendar month each successively, an exclusive power of taking such lease or leases as permitted by this act; and in case the immediate and intermediate derivative tenants, their executors, administrators, and assigns, omit to take such leases within the time limited to each exclusively, the lowest tenant or tenants in actual possession of any part, and having a *toties quoties* clause, or executors, administrators, or assigns respectively, shall, during residue of the term at present subsisting, have the sole and exclusive power of taking such lease or leases for such part or proportion only as he, she, or they shall be in the actual enjoyment, occupation, and possession of, at any time the said archbishop or any of his successors think proper to grant said leases as aforesaid.

Subject to covenants of renewal to under tenants.

CLI. *sect.* 3. Every person, or executors, administrators, and assigns, who obtain any lease pursuant to this act, shall be subject to like covenant of renewal to under tenants, as such persons, or executors, administrators, and assigns have been subject to at or immediately before the obtaining such leases pursuant to this act.

A publick act.

CLII. *sect.* 4. This act deemed a publick act.

Dublin, Watch.

Continuance of the act, 10 G. 1. c. 3.

I. *Stat.* 1 *Geo.* 3. *cap.* 17. *sect.* 16. One act passed in the tenth year of king George the first, *for continuing and amending an act for the better regulating the parish watches, and amending highways*, &c. which act, as to such part thereof as relates to patish watches and highways, was continued by an act passed in twenty ninth year of his late Majesty, *for continuing and reviving several temporary statutes, and other purposes therein mentioned*; and which is now expired, shall be revived and continued for seven years, from the first day of May, 1762, and from thence to the end of the then next session of parliament.

Notice of a vestry.

II. *Stat.* 10 *Geo.* 1. *cap.* 3. *sect.* 2. On the third Sunday in February in every year, notice shall be given in each parish church of the city and liber-

ties

ties of Dublin by the miniſter who ſhall officiate, that on ſome certain day in the following week, a veſtry will be held in order to ſettle the watch in that pariſh.

Nominating directors.

(2) At which day the pariſhioners, or the major part of them, aſſembled ſhall nominate nine of the pariſhioners of good ſubſtance to be directors of the watch, who, or any five of them, ſhall within fourteen days after their being ſo choſen, by writing under their hands aſcertain the number of watch houſes, conſtables, and watchmen, proper to be kept in ſuch pariſhes reſpectively, from the twenty fifth day of March enſuing, until the twenty fifth day of March in the year following, and at what places and ſtands it is fit for the ſaid watch houſes, conſtables, and watchmen to be placed, and how often it is fit for them to go the rounds, how the watchmen ſhall be armed, and what wages are reaſonable to be allowed each watchman.

Regulating conſtables and watch.

(3) And ſhall make and publiſh ſuch further orders for the better regulating the conſtables and watchmen of ſuch pariſh, as to them, or any five of them ſhall ſeem reaſonable, and ſhall alſo appoint for watchmen, ſuch perſons who ſhall in their judgment not only be honeſt men and proteſtants, but able of body, and fit to be intruſted to do the ſaid ſervice, which perſons ſo nominated by them ſhall be the watchmen of the ſaid pariſhes reſpectively.

Chuſing new directors.

(4) And in caſe any of the ſaid directors ſo appointed ſhall refuſe to act, or after accepting ſuch office ſhall die, or remove out of the ſaid pariſh, upon notice given thereof to the miniſter or curate of the ſaid pariſh, ſuch miniſter or curate ſhall on the next Sunday after ſuch notice publiſh, that on ſome certain day in the following week, a veſtry will be held in order to elect perſons in the room of them who ſhall ſo refuſe to act, or ſhall die, or quit the ſaid pariſh, and the pariſhioners are required at ſuch veſtry to name one or more of the pariſhioners of good ſubſtance, in the place of ſuch perſons, that the number of nine of the ſaid pariſhioners ſhall be always ready to make ſuch appointment of watchmen, and ſuch regulations as hereby is directed.

Printing regulations.

(5) Which regulations ſo to be made, by the ſaid directors, or any five of them, in each pariſh, ſhall be obſerved by the ſeveral conſtables and watchmen in ſuch pariſhes, and ſhall be printed, together with the names of ſuch conſtables and watchmen, and publickly poſted up in each watch-houſe and on the door thereof, one of which ſhall alſo be returned to the lord mayor, to the end he may thereby be enabled to puniſh the ſaid conſtables and watchmen for neglect of their duty, and not conforming to the ſaid orders.

Appointing watchmen.

(6) And in caſe any of the watchmen ſo appointed ſhall die, or be removed, or quit ſuch ſervice, the directors of the watch, or any five of them, are required upon notice given them thereof by the conſtables of the ſaid pariſh, within ten days to name watchmen in the ſtead of them ſo dying, removed, or quitting ſuch ſervice, to the end the number of watchmen may be always kept compleat.

Time of watching.

III. *ſect.* 3. The ſaid watchmen, in the night time, ſhall be under the controul and inſpection of the ſaid directors of the watch, and the conſtables of the reſpective pariſhes, which conſtables in their turns, are required to ſet and place their watch at ten of the clock in the night exactly, and to continue their watch till ſix in the morning, from Michaelmas day until Lady day, and from Lady day until Michaelmas day in every year at eleven o'clock, and continue their watch till five in the morning.

(2) And

Penalty for neglects.

(2) And in caſe any conſtable or deputy, whoſe turn it is to take care of the watch, ſhall be guilty of any neglect therein, ſuch conſtable or deputy ſhall, for every ſuch offence forfeit ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of ſome juſtice of the peace, returning the overplus, if any, and ſhall be applied in manner as herein after is directed, with relation to the penalties inflicted upon conſtables for other neglects of their duty.

Conſtables of the watch.

IV. *ſect.* 4. The church-wardens and pariſhioners of each pariſh are required to aſſemble every year on Tueſday in Eaſter Week, at the hour of eleven o'clock in the morning, in the church or veſtry room of ſuch pariſh, and then and there the major part of them ſo aſſembled, ſhall chooſe a ſufficient number of fit perſons inhabiting within the ſaid pariſh, who ſhall be houſekeepers, to be conſtables for one year from the firſt of June in each year.

Returns to the lord mayor.

(2) The names of which perſons ſo elected ſhall by the church-wardens of each reſpective pariſh, within ſix days after ſuch election, be returned to the lord mayor of the city of Dublin, who is required to ſwear ſuch perſons, ſo elected, into the office of conſtable, on or before the ſaid firſt of June in each year, if ſome reaſonable cauſe is not aſſigned, to be allowed of by the lord mayor and two of the aldermen for not doing thereof, and in ſuch caſe as ſoon after as conveniently may be done, in caſe they ſhall ſee no ſufficient reaſon to diſapprove ſaid perſons, or any of them whoſe names ſhall be ſo returned.

Conſtables diſapproved of.

(3) And in caſe any perſons who ſhall be choſen, in manner as is hereby directed, to be conſtables, ſhall be diſapproved of as aforeſaid, upon notice given to the miniſter or curate, and church-wardens of ſuch pariſh by the lord mayor, the ſaid miniſter or curate ſhall on the next Sunday after ſuch notice, publiſh in church, that there will be a meeting of the church-wardens and pariſhioners, on ſome day in the following week, for the election of a conſtable, which ſaid church-wardens and pariſhioners are hereby required to meet on the ſaid day, and the major part of them ſo aſſembled ſhall elect and return perſons fit to ſerve in the ſaid office, in the ſtead of them ſo diſapproved of, to the lord mayor, and ſo *toties quoties* until proper perſons ſhall be ſo approved of for conſtables.

Dying or quitting the pariſh.

(4) And in caſe any of the conſtables ſo approved of, ſhall before they ſhall be ſworn into ſuch office, or after they have been ſworn and taken ſuch office upon them, die or quit ſuch pariſh, or be otherwiſe rendered incapable of ſervice, upon notice given thereof by the directors of the watch to the miniſter or curate, and church-wardens of ſuch pariſh, the ſaid miniſter or curate ſhall on the next Sunday publiſh in church, that there will be a meeting of the church-wardens and pariſhioners on ſome day in the following week for the election of a conſtable, which ſaid church-wardens and pariſhioners are required to meet on the ſaid day, who, or the major part of them ſo aſſembled ſhall return perſons to ſerve in the ſaid office in the ſtead of them ſo dying or rendered incapable to ſerve, to the lord mayor, and ſo *toties quoties* till a fit perſon be approved of, who after ſuch approbation ſhall be ſworn into the ſaid office by the ſaid lord mayor within the time before directed, or within ten days after ſuch approbation.

Refuſing the office.

(5) And in caſe any perſon ſo elected, returned, and approved of for conſtable ſhall not appear, upon a ſummons in writing left at his houſe, within three days after ſuch notice, or in caſe he doth appear, and ſhall refuſe

fuſe to take the oath of office of conſtable to act therein by himſelf, or to find a ſufficient deputy, who ſhall be an inhabitant and live within the ſaid pariſh, and be alſo approved of by the lord mayor, ſuch perſons ſhall forfeit five pounds, to be levied by warrant of diſtreſs under the hand and ſeal of the lord mayor of the ſaid city, and ſale of the goods of the perſon ſo offending, rendering the overplus to the owner, which forfeiture when levied ſhall be paid to the directors of the watch, and be applied for the finding a deputy, to be choſen by the major part of the pariſhioners of the pariſh aſſembled for that purpoſe, and to be approved of by the lord mayor. *This clauſe is altered by Stat. 3 Geo. 2. cap. 13.)*

V. *ſect.* 5. Provided that no perſons keeping publick inns, alehouſes, or houſes of entertainment, or papiſts, ſhall be qualified to act in their perſons, as conſtables, but in caſe any ſuch ſhall be choſen in their turn to ſerve as conſtables, ſuch perſons ſhall find ſome fit perſons, who ſhall be proteſtants, to ſerve in their room, to be approved of by the lord mayor and two of the aldermen as aforeſaid, or pay as a fine a ſum not exceeding five pounds reſpectively, to be aſcertained by the lord mayor, to enable the pariſhioners, or major part of them aſſembled for that purpoſe, to find a fit perſon in the ſtead of each of them who ſhall be ſo choſen to ſerve as conſtables, which ſums ſhall be levied and recovered by diſtreſs and ſale of the offenders goods, in manner aforeſaid, and be applied as aforeſaid. Keepers of inns, alehouſes, &c.

VI. *ſect.* 6. Provided alſo that no perſons ſhall be obliged to ſerve or fine who are of the degree of an eſquire or above, or half pay officers, or ſuch who are aldermen, deputy aldermen, or have ſerved as one of the ſheriffs of the ſaid city, or paid a fine for not ſerving as ſheriff. Perſons exempted.

VII. *ſect.* 7. Every conſtable who ſhall be ſo ſworn into the ſaid office, ſhall leave with the lord mayor a memorandum in writing of the houſe he reſides at within the ſaid pariſh. Notice of reſidence.

VIII. *ſect.* 8. And every ſuch conſtable ſhall nail up in view at their reſpective doors, a ſhort conſtable ſtaff, or paint the figure of ſuch ſtaff againſt the houſe they inhabit; and in caſe any ſuch conſtable ſhall neglect or refuſe ſo to do, every ſuch conſtable ſhall forfeit forty ſhillings, to be levied by warrant of diſtreſs, under the hand and ſeal of the lord mayor, and ſale of the goods of the perſons ſo offending, rendering the overplus to the owner, which forfeiture, when levied, ſhall be applied, one moiety to the uſe of the informer, the other moiety to the uſe of the poor of the pariſh where ſuch conſtable reſides. Conſtable's ſtaff.

IX. *ſect.* 9. The conſtables of every pariſh the morning after they come off the watch ſhall make a return, ſigned by them reſpectively, to the lord mayor, and alſo to the directors of the watch, of the behaviour of the ſeveral watchmen, and the condition of the watch the night before, with the names of thoſe that abſented themſelves when the watch was ſet, and how long each watchman continued on the watch, and whether any of the watchmen loſt their poles or lanthorns or were drunk, to the end ſatisfaction may be made to the pariſh out of the wages of ſuch watchmen, and that they be puniſhed for neglect of duty. Returns by conſtables.

(2) As alſo return to the ſaid lord mayor the names of ſuch perſons as they ſhall reſpectively take into their cuſtody for any irregularities, and how ſuch priſoners were diſpoſed of, upon forfeiture of ten ſhillings for ſuch neglect; to be recovered in manner as is hereby before directed, and to be diſpoſed Names of perſons taken up.

poſed of one moiety to the uſe of the informer, the other to the poor of the pariſh.

Six pence a pound watch money.

X. *ſect.* 10. Every houſe within the city of Dublin and liberties thereof, ſhall pay ſix pence for every pound of the yearly value of every ſuch houſe, as the valuations are returned for the collection of miniſters money; and where there is no valuation for the miniſter, and until a valuation ſhall be had, the ſaid houſes ſhall pay ſix pence in the pound, according to the rent payable by the tenants in poſſeſſion, and in caſe ſuch rent is only a ground rent, then according to that rent the ſaid houſe might reaſonably ſet for to a ſolvent tenant, ſuch rent to be aſcertained by four of the pariſhioners to be named by the church-wardens.

A charge on the inhabitants.

(2) Which ſix pence per pound ſhall be a charge upon the inhabitants of every houſe, and ſhall be levied and accounted for by the church-wardens of the reſpective pariſhes, and in places extra parochial by the church-wardens of the adjoining pariſhes, in ſuch manner as the miniſters money in ſaid city is levied by Stat. 17 & 18 Car. 2. cap. 7. and ſhall be by them reſpectively applied to the ſeveral uſes for which the ſame is payable by virtue of this act; which charge of ſixpence in the pound on the ſeveral houſes in the ſaid city and liberties, ſhall be a diſcharge to the ſeveral houſekeepers of the ſaid city from watching in perſon or ſending an able perſon to watch in their ſtead.

According to the rent paid.

XI. *ſect.* 11. In caſe any of the ſaid houſes within the city of Dublin and liberties thereof, which have heretofore been valued purſuant to the aforeſaid ſtatute, ſhall without fine or other conſideration, ſave the rent reſerved, be let at a leſs rent than ſuch houſes are reſpectively valued at by the valuation returned for the collection of miniſters money, ſuch houſes ſhall be only chargeable with the payment of ſix pence in the pound, according to the rent payable by the tenant in poſſeſſion.

Affidavit of the tenant.

XII. *ſect.* 12. Such tenant in poſſeſſion claiming the benefit of ſuch allowance, ſhall, before the ſame be allowed, make affidavit before the lord mayor, or ſome juſtice of the peace of the ſaid city, of the rent he really pays, and whether any fine or other conſideration was paid upon obtaining ſuch leaſe.

Account on oath.

XIII. *ſect.* 13. The church-wardens of the ſaid reſpective pariſhes ſhall at the end of every ſix months lay before the directors of the watch, or any five of them, upon oath, an account of the produce of the ſums charged as aforeſaid, and by them received, and pay the ſame into the hands of ſuch perſons as by the ſaid directors, or any five of them ſhall be appointed, and the ſaid directors ſhall apply the ſame to the ſeveral uſes by this act directed.

Entry in the veſtry-book.

(2) And ſhall every year cauſe their accounts to be fairly tranſcribed and entered in the veſtry-book of the ſaid pariſh; and in caſe ſuch church-wardens ſhall forſwear themſelves in giving in ſuch account, and be thereof convicted, they ſhall incur the ſame penalties, as a perſon convicted of wilful perjury at common law.

Watchmen abſenting, &c.

XIV. *ſect.* 14. If any watchman ſhall quit his ſtation allotted to him, or ſhall abſent himſelf from his duty, or fail therein contrary to the ſaid rules, without ſome reaſonable cauſe, to be allowed of by the lord mayor, or ſome other juſtice of the peace of the ſaid city, to whom complaint ſhall be made, or ſhall go into any alehouſe or cellar to drink, or be found drunk on the watch, ſuch watchmen reſpectively ſhall on due proof, made before ſuch lord mayor or juſtice of the peace, by the oath of one credible witneſs, for each

offence

offence forfeit five ſhillings, to be deducted out of their wages, which ſum ſhall go to ſuch perſons who ſhall inform, or otherwiſe ſuch offender ſhall be publickly whipped at the diſcretion of the ſaid lord mayor or juſtice of the peace, who ſhall thereupon iſſue a warrant under his hand and ſeal for that purpoſe.

(2) And in caſe any conſtables ſhall neglect their duty contrary to this act, or to ſuch rules as ſhall be made by the ſupervifors or directors of ſuch pariſh reſpectively, without ſome reaſonable cauſe for ſo doing, to be allowed of by the lord mayor, ſuch conſtables ſhall reſpectively forfeit twenty ſhillings, to be levied by diſtreſs and ſale of the goods of the conſtables ſo offending, by warrant under the hand and ſeal of the ſaid lord mayor as aforeſaid, which ſum when levied ſhall be paid to the informer. Conſtables neglecting duty.

XV. *ſect.* 15. In caſe it ſhould be found neceſſary that more watch-houſes ſhould be erected in any pariſh than are at preſent eſtabliſhed, the grand jury for the county of the city of Dublin ſhall at their quarter ſeſſions raiſe ſuch ſums of money for erecting ſuch watch-houſes as by them ſhall be thought reaſonable, to be levied upon the pariſhioners of the reſpective pariſhes where ſuch watch-houſes ſhall be erected. Additional watch-houſes.

XVI. *ſect.* 16. Provided that the church-wardens of each pariſh within the ſaid city of Dublin, ſhall be diſcharged during the time of their continuance in ſuch office, from payment of ſix pence *per* pound charged on their reſpective houſes in which they dwell, and alſo that no perſon ſhall be obliged to ſerve as conſtable by virtue of this act, in the ſame pariſh wherein he had formerly ſerved as conſtable. Church-wardens diſcharged from payment.

XVII. *ſect.* 17. The inhabitants within the liberties of Saint Sepulchre's, Thomas-court and Donore, who are able and fit to watch or to find watchmen, ſhall in their reſpective turns, in perſon, or by ſome other ſufficient perſon to be appointed by them whoſe turn it is to watch, keep watch and ward within the ſaid reſpective liberties wherein they ſhall reſide. Inhabitants of St. Sepulchre's, &c.

(2) And the conſtables of ſuch manor or liberties reſpectively, ſhall in the month of February in every year, make and return upon oath, a perfect liſt of all ſuch inhabitants within the ſaid ſeveral and reſpective manors or liberties, to the regiſter of the court-leet of ſuch reſpective manors, which perſons ſo returned, ſhall be the perſons to keep watch and ward within the ſaid manors or liberties reſpectively, from the twenty-fifth day of March for one year from thence enſuing, in ſuch order as the ſaid perſons therein named in ſuch returns, and in ſuch numbers for each night, as the ſeneſchals or their deputies, by writing under their hands and ſeals reſpectively ſhall appoint. Return of inhabitants.

(3) And the conſtable on the morning of the day before his watch night, or ſome perſon by him appointed, who can make affidavit of the ſervice, ſhall warn every perſon that is to watch with him that night, or leave notice thereof in writing at the houſe of every ſuch perſon, which watch ſhall be ſet by the conſtable from the twenty-fifth day of March to the twenty-ninth day of September at eleven every night, and continue till five in the morning; and from the twenty-ninth of September to the twenty-fifth of March in every year from ten to ſix in the morning, during which time the conſtable ſhall continue with his watchmen. Warning inhabitants.

(4) And in caſe any conſtable ſhall make default in returning the names of ſuch inhabitants who are able and fit to watch or to find watchmen, ſuch conſtable ſhall forfeit five pounds; and in caſe he ſhall make default in any other of the premiſes, ſuch conſtable ſhall forfeit twenty ſhillings. Default of conſtables.

Inhabitants making defaults.

(5) And if any perſon appointed and warned to watch or to find an able and fit perſon to watch as aforeſaid, ſhall make default to watch, or to find an able and fit perſon to watch as aforeſaid, every ſuch perſon, not having reaſonable cauſe for ſuch default, to be allowed by the reſpective ſeneſchals of ſuch manor or liberty, or their deputies, ſhall forfeit for every ſuch offence a ſum not exceeding one ſhilling, at the diſcretion of ſuch ſeneſchal or his deputy.

Penalty for neglects.

(6) And if any perſon appointed and warned to watch, ſhall appear at the reſpective hours hereby directed in perſon, or by an able and fit perſon to watch in his or her ſtead, and after appearing ſuch perſon ſhall quit the ſtation allotted him, or abſent himſelf from his duty without ſome reaſonable cauſe for ſo doing, to be allowed of by the ſeneſchal or his deputy of the manor or liberty where ſuch default is made, or ſhall go into any ale-houſe or cellar to drink, or be found drunk upon the watch, every perſon ſo offending ſhall forfeit a ſum not exceeding five ſhillings, or be publickly whipt, at the diſcretion of the ſaid ſeneſchal or his deputy.

Diſpoſal of forfeitures.

(7) All which forfeitures ſhall reſpectively be recovered before the ſeneſchal or his deputy of ſuch manor, or liberty where the offence ſhall be committed, upon proof thereof made before ſuch ſeneſchal or his deputy by the oath of one witneſs, and in caſe of conviction, the ſame to be levied by warrant of diſtreſs under the hand and ſeal of ſuch ſeneſchal or his deputy, and ſale of the goods of the perſon ſo offending, rendering the overplus to the owner; which forfeitures when levied ſhall be applied in providing able and ſufficient watchmen to watch in the ſtead of ſuch as ſhall abſent themſelves.

Applotments for ceſſes.

XVIII. *ſect.* 20. At all meetings held for applotting the pariſh ceſſes and publick taxes laid within the city of Dublin and ſuburbs or liberties thereunto adjoining, the church-wardens and pariſhioners of each pariſh, being at leaſt thirteen in number, or the greater part of them ſo aſſembled, ſhall make their applotments for the ſaid ceſſes and publick taxes upon every inhabitant of the ſaid pariſhes, according to the value of the houſes of each inhabitant, as the ſame are valued to pay miniſters money, and where there is no valuation for the miniſter, and until a valuation ſhall be had, ſuch inhabitant ſhall pay according to the rent payable by the tenant in poſſeſſion.

According to the value of the houſes.

(2) And in caſe ſuch rent is only a ground-rent, then according to the rent the ſaid houſe might reaſonably be ſet for to a ſolvent tenant, ſuch rent to be aſcertained by four of the pariſhioners to be named by the church wardens; which money ſo to be applotted, ſhall be a charge on the inhabitant of every ſuch houſe, and ſhall be levied, raiſed, and accounted for by the conſtable or officers that uſually collect the ſame, in ſuch manner, and with ſuch powers as the ſaid taxes have heretofore been levied and accounted for.

Rents leſs than the value.

XIX. *ſect.* 21. In caſe any of the ſaid houſes within the ſaid city of Dublin, and ſuburbs or liberties thereunto adjoining, which have heretofore been valued purſuant to the ſtatute made in the ſeventeenth and eighteenth years of King Charles the ſecond, ſhall without fine or other conſideration, ſave the rent reſerved, be let at a leſs rent than ſuch houſes are reſpectively valued at by the valuation returned for the collection of miniſters money, ſuch houſes ſhall be only chargeable according to the rent payable by the tenant in poſſeſſion.

Affidavit of the tenant.

XX. *ſect.* 22. Such tenant in poſſeſſion claiming the benefit of ſuch allowance, ſhall, before the ſame be allowed, make affidavit before the lord mayor or ſome juſtice of the peace of the ſame city, or within the ſaid liber-

ties

ties before the ſeneſchal of the liberty where ſuch houſe is ſituated, of the rent he really pays, and whether any fine or other conſideration was paid upon obtaining ſuch leaſe.

XXI. *ſect.* 23. Nothing herein contained ſhall exempt any lands or tenements within the ſaid pariſhes from payment of ſuch proportion of the ceſſes or publick taxes as they are by law liable to. No exemption for lands, &c.

XXII. *ſect.* 28. Any perſon ſued for any thing done in purſuance of this act, may plead the general iſſue, &c. and if a verdict ſhall paſs for the defendant, or the plaintiff ſhall diſcontinue or be non-ſuited, or judgment given againſt him on demurrer or otherwiſe, ſuch defendant ſhall have treble coſts, &c. General iſſue.

The act, 10 Geo. 1. cap. 3. (for eſtabliſhing a regular watch in the city of Dublin, &c.) *is continued for ſeven years from the firſt day of May* 1762, *&c. by* Stat. 1 Geo. 3. cap. 17. ſect. 16. for ſo much thereof as relates to the city of Dublin, and the liberties thereto adjoining.

XXIII. *Stat.* 11 *Geo.* 2. *cap.* 13. *ſect.* 3. One act paſſed in the tenth year of the reign of his late Majeſty, intitled, *An act for the better regulating the pariſh watches, &c.* ſhall extend to the liberties of St. Patrick's-cloſe, in the ſame manner as the ſaid act extends to the liberties of St. Sepulchre's, Thomas-court and Donore. Continuation.

XXIV. *Stat.* 3 *Geo.* 2. *cap.* 13. *ſect.* 4. Every perſon returned *to the lord mayor of the city of Dublin*, to ſerve as conſtable ſhall be ſworn into the ſaid office, unleſs diſapproved for a reaſonable cauſe, to be made appear by affidavit, and unleſs ſuch diſapprobation with the reaſons thereof, be certified under the hands of the lord mayor and recorder *of Dublin*, and returned to the miniſter of the pariſh within eight days after ſuch conſtable ſhall be ſo returned to the lord mayor, and filed with the clerk of the veſtry, which certificate ſhall be granted and filed without fee. Conſtables to be ſworn, &c.

(2) And if the pariſhioners in veſtry aſſembled, ſhall think themſelves aggrieved by ſuch diſapprobation, and that it is not reaſonable and ſufficient, it ſhall be lawful for the church-wardens of ſuch pariſh, by an order of veſtry, to lay the ſame before any one of the judges of the King's bench, who upon hearing the matter, is required under his hand and ſeal to approve or diſapprove of the perſons ſo choſen and preſented; and in caſe ſuch judge ſhall diſapprove of ſuch perſons, the pariſhioners ſhall proceed to a new election. Pariſhioners aggrieved.

XXV. *ſect.* 5. Every conſtable ſo choſen, who ſhall deſire to act by a deputy, ſhall return the name of ſuch deputy to the pariſh in veſtry aſſembled, who may approve or diſapprove of the ſame; and if the perſon returned ſhall be diſapproved, the veſtry ſhall nominate a deputy conſtable at their diſcretion. Deputy conſtables.

XXVI. Stat. 5 Geo. 3. cap. 22. ſect. 1. *Whereas the funds appointed for the ſupport and maintenance of a ſtrong and regular watch in the city of Dublin, and the liberties thereof, are inſufficient for that purpoſe; and by reaſon of the great concourſe of people from all parts of this kingdom to this city, a ſtrong and well regulated watch is of great importance for the preſervation of the perſons and properties of the inhabitants of the ſaid city, and very neceſſary to prevent as well the miſchiefs which may happen from fires and murders, burglaries, robberies, and other outrages and diſorders:* it is enacted, that every the houſes within the

city of Dublin and liberties thereof, ſhall pay, and are hereby charged with, an
Additional charge. additional ſum, not exceeding ſix-pence, nor leſs than three pence, for every pound of the yearly value of every ſuch houſe, over and above the ſix-pence for every pound of the yearly value of every ſuch houſe charged by an act paſſed in the tenth year of his Majeſty king George the firſt, *for continuing and amending an act for the better regulating the pariſh watches, and amending the highways in this kingdom.*

Applotment, &c. XXVII. *ſect.* 2. And the ſaid additional charge of ſix-pence, and three pence, for every pound of the yearly value of every ſuch houſe, ſhall be applotted, levied, raiſed, and accounted for, agreeable to the regulations in the aforeſaid act of the tenth of king George the firſt, and ſhall be paid and applied to the ſeveral uſes for which the ſame is payable by virtue of the act aforeſaid, and this preſent act.

Room and round-houſe. XXVIII. *ſect.* 3. It ſhall be lawful for the ſuperviſors or directors of the watch, or the uſual *quorum* of them, in their reſpective pariſhes, to erect or provide a commodious room with proper conveniencies, and a round-houſe in every pariſh contiguous to the watch-houſe of the ſaid pariſh, where the ſame are not already erected or provided.

Stands of watchmen. XXIX. *ſect.* 4. And it ſhall be lawful for the directors or ſuperviſors, or the uſual *quorum* of them, and they are hereby required ſo to appoint the places and ſtands of the watchmen in their reſpective pariſhes, as that they may beſt hold correſpondence with each other, and with the watchmen of the adjoining pariſhes, and in default of ſuch appointment, that the lord mayor of the ſaid city for the time being, ſhall appoint and aſcertain the ſaid ſtands.

Inſpectors of the watch. XXX. *ſect.* 5. And it ſhall be lawful for the ſaid ſuperviſors or directors, or the uſual *quorum* of them, and they are hereby further required to nominate and appoint one or more inſpectors, not exceeding three in number, in their reſpective pariſhes.

Conſtables. XXXI. *ſect.* 6. Which inſpectors ſhall by virtue of their offices be conſtables, and be ſworn as ſuch into office, and ſhall be exempt from publick duties, ſuch only excepted as the ſuperviſors or directors ſhall direct, and ſuch inſpectors ſo appointed, ſhall viſit the watch-houſes in their reſpective pariſhes,
Returns to the lord-mayor. and make returns ſigned by them reſpectively, to the lord mayor of the ſaid city, and to the directors or ſuperviſors of the watch, of the condition of the watch at ſuch times, and be ſubject to ſuch orders and regulations as the directors, or the uſual *quorum* in their reſpective pariſhes, ſhall appoint.

Salaries to the inſpectors. XXXII. *ſect.* 7. And it ſhall be lawful for the directors or ſuperviſors, in their reſpective pariſhes, to allow a ſalary, not exceeding ten pounds *per annum*, to every ſuch inſpector, and to remove ſuch inſpectors as ſhall appear to neglect their duty, and immediately appoint others in their places.

Directors and inſpectors. XXXIII. *ſect.* 8. The watchmen in the night ſhall be under the inſpection and controul of the ſaid ſuperviſors or directors, the ſaid inſpectors and the conſtables of the reſpective pariſhes; which conſtables in their turns, are
Times of watching. hereby required to ſet and place their watch at eight o'clock in the night exactly, and continue their watch till ſeven in the morning, from the firſt day of November to the firſt day of February, and from the firſt day of February to the firſt day of May at nine o'clock, and to continue their watch till ſix in the morning; and from the firſt day of May to the firſt day of Auguſt at ten o'clock, and to continue their watch till five in the morning; and from the firſt day of Auguſt to the firſt day of November at nine o'clock, and to continue their watch till ſix in the morning, in every year.

XXXIV. *ſect.*

XXXIV. *ſect.* 9. It ſhall be lawful for the lord mayor of the city of Dublin, within the ſaid city, and for the reſpective ſeneſchals of the manors or liberties of ſaint Sepulchre's, Thomas-court and Donore, in their reſpective manors or liberties, and they are hereby required on every firſt day of November, unleſs the ſame ſhall happen on a Sunday, and in ſuch caſe on every ſecond day of November; and on every firſt day of May, unleſs the ſame ſhall happen on a Sunday, and in ſuch caſe on every ſecond day of May, and at other times as often as ſhall to them ſeem convenient or neceſſary, and inſpect and publickly review the watch of the ſaid city, and manors or liberties, and in caſe any ſhall appear unfit for ſervice from age, infirmity, or other cauſes, they ſhall in the reſpective juriſdictions diſmiſs ſuch perſons from ſerving as watchmen. Review of watchmen.

XXXV. *ſect.* 10. No perſon keeping publick inns, alehouſes, or houſes of entertainment, or papiſts, ſhall be qualified to act as ſupervifors or directors of the watch. Innkeepers, &c. diſqualified.

XXXVI. *ſect.* 11. And no perſon ſhall act as deputy conſtable, who ſhall not after he is choſen by the church-wardens and pariſhioners, or the major part of them, be recommended by the ſupervifors or directors, or the uſual *quorum*, in their reſpective pariſhes, to the lord mayor for the time being, as a fit perſon to ſerve in the ſaid office, and be approved by the ſaid lord mayor. Deputy conſtables.

XXXVII. *ſect.* 12. The church-wardens of every pariſh, in their reſpective pariſhes, ſhall within three months after every Eaſter Tueſday enter into office, and collect and pay over the watch-money of their reſpective pariſhes to the ſupervifors or directors of the watch, which money ſo paid over, ſhall be applied to the uſes in this and the aforeſaid former act contained, and to no other uſe whatſoever. Collection of watch-money.

XXXVIII. *ſect.* 13. And it ſhall be lawful for the church-wardens and pariſhioners of every pariſh, or the major part thereof, in their reſpective pariſhes, to make ſuch proviſion for ſuperannuated watchman, or watchmen maimed in their ſervice of watchmen, or therein otherwiſe rendered incapable of further ſervice, who ſhall be recommended by the ſupervifors or directors of the watch, as ſhall be ſuitable to the ſtate of the fund for ſupporting a regular watch, and the merit and circumſtances of the watchmen ſo recommended. Superannuated watchmen.

XXXIX. *ſect.* 14. Provided that no perſon who ſhall be diſmiſſed from his office of watchman for neglect, or any other offence, ſhall be intitled to the relief or proviſion out of the ſaid fund. Diſmiſſed for neglect, &c.

XL. *ſect.* 15. And the ſeveral bridges on the river Anna Liffey ſhall be watched and guarded by watchmen of the pariſhes next adjoining the ſaid bridges; which watchmen ſhall be ſo many in number, and ſubject to ſuch regulations, as the lord mayor for the time being ſhall appoint. Bridges to be watched.

XLI. *ſect.* 16. If it ſhall be found that any ſurplus ſhall ariſe from the money collected by virtue of this and the aforeſaid act, over and above what ſhall be neceſſary for the ſupporting and maintaining a regular watch, and carrying into execution the purpoſes of this and the aforeſaid act, ſuch ſurplus money ſhall be diſpoſed of for the uſe and benefit of the reſpective pariſh where ſuch ſurplus ſhall ariſe, by the church-wardens and pariſhioners of ſuch pariſh, or the major part thereof, in ſuch manner as they by any act of veſtry ſhall direct and appoint. Surplus of watch-money.

XLII. *ſect.* 20. This act ſhall be in force from the firſt day of May, one thouſand ſeven hundred and ſixty-ſix. Commencement.

Stoppages of the Podell.

I. *Stat.* 8 *Hen.* 7. *cap.* 1. Inaſmuch as there was of old time, and now there is, two rivers or paſſages of waters, one upon every ſide of St. Patrick's-ſtreet, called the Podell, through which waters had a large paſſage without any impediment, until of late that the ſaid rivers and Podells be filled and ſtopped, as well by the inhabitants of houſes inhabiting upon the ſaid Podells in caſting of ſtoppance out of their houſes, as by tanners making dams to water their ſkins, inſomuch as they have eſtopped both parts of the Podell that the water may not have free paſſage; every man which hath a houſe or ſhop upon the ſaid Podell, ſhall cleanſe and ſcour the ſaid precinct of his tenement or inheritance to the ſaid channel as it was of old time, within two months after this preſent act paſt, upon pain of twenty ſhillings, to be levied by the proctor of the church of ſaint Patrick, without any other authority or impediment, and henceforth upon the ſaid pain, in like manner to be levied, no man nor woman by no means *ſhall* eſtoppe the free paſſage of the ſaid water.

Commiſſioners for the Podell.

II. *Stat.* 17 & 18 *Car.* 2. *cap.* 21. *ſect.* 1. The mayor of the city of Dublin, the archbiſhop of Dublin, Edward earl of Meath, the lord chief juſtice of his Majeſty's court of chief place in Ireland, the chief juſtice of the common pleas, the chief baron of his Majeſty's court of exchequer, his Majeſty's principal ſecretary of ſtate, his Majeſty's attorney and ſolicitor-general, the dean of the cathedral church of the Holy Trinity, Dublin, the dean of the cathedral church of ſaint Patrick's, Dublin, and the recorder of the city of Dublin for the time being, or any five of them, whereof the archbiſhop of Dublin to be always one, are appointed commiſſioners for preſerving the cathedral church of St. Patrick's Dublin, from ruin or decay, by means of the inundation of ſudden floods which fall from the mountains near adjacent unto the water-courſe there, called the Poddell, which runs on either ſide of St. Patrick's ſtreet, and ſhall have authority by virtue of this act, to meet together at ſuch times, in ſuch places as they ſhall think convenient, and by the oaths of good and lawful men, or by any other lawful means, to inquire of the cauſes of the ſaid overflowing of the waters, or by whom, or by what means the ſame ſhall be occaſioned, and adviſe in what manner the ſame may be remedied and prevented; and ſhall alſo have authority to examine upon oath all ſuch perſons as ſhall be produced before them, to give information touching the ſtoppages and overflowing of the ſaid water-courſe, within the county of Dublin, or the county of the city of Dublin, or within any liberties.

Nuiſances in ſtopping water-courſe.

III. *ſect.* 2. If upon inquiry or examination taken as aforeſaid, it ſhall appear to the ſaid commiſſioners, or any five of them, that the ſaid nuiſance ſhall be occaſioned by any inhabitant dwelling upon or near to the ſaid water-courſe, or any other perſons under whom ſuch inhabitant claims any intereſt there, upon conviction of ſuch perſons of ſuch nuiſance, by the teſtimony of two credible witneſſes upon oath, or by confeſſion of the party, or notorious evidence of the fact, it ſhall be lawful for the ſaid commiſſioners, or any five of them, to make a record of ſuch offences under their hands and ſeals reſpectively, which record ſhall remain in the cuſtody of the mayor of the city of Dublin, and ſhall be in law adjudged a full conviction of every ſuch offender of ſuch offence, and thereupon the ſaid commiſſioners, or any five of them, ſhall iſſue a precept under their hands and ſeals, &c. to require ſuch perſon ſo convict to cauſe the ſaid nuiſance to be removed at his own coſt and charges, within ſuch reaſonable time as they ſhall think fit to appoint; and in caſe ſuch offender

ſhall

ſhall neglect or refuſe to remove the ſaid nuiſance according to the time appointed, it ſhall be lawful for the ſaid commiſſioners, or any five of them, to impoſe a fine upon ſuch perſons, not exceeding five pounds, and to commit ſuch offenders to the next gaol, until they at their own coſt and charges, ſhall fully remove ſuch nuiſance according to the purport of the ſaid precept.

Offenders convicted.

IV. *ſect.* 3 If any offender ſo convicted, ſhall again commit the like offence, and be thereof convicted in manner as aforeſaid, every ſuch offender, ſo convict of ſuch ſecond offence, ſhall be impriſoned by warrant from the ſaid commiſſioners, or any five of them, until he have at his own coſts and charges removed ſuch nuiſance, and paid down unto ſuch perſons as the ſaid commiſſioners, or any five of them ſhall appoint, ſuch ſum of money, not exceeding ten pounds, as the ſaid commiſſioners ſhall fine ſuch offender at for his ſecond offence.

Conviction for ſecond offence.

V. *ſect.* 4. If any ſuch offender, ſo convict of a ſecond offence, ſhall again commit the like offence, as often as ſuch perſon ſhall after ſuch ſecond conviction, commit any offence contrary to this act, and be thereof convict in manner as aforeſaid, it ſhall be lawful for the ſaid commiſſioners, or any five of them to commit ſuch perſons to priſon, until ſuch perſons ſhall, at their own coſts and charges, have removed ſuch nuiſance, and paid ſuch ſum, not exceeding ten pounds, as the ſaid commiſſioners, or any five of them, ſhall fine ſuch offender at for his ſeveral offences reſpectively, ſo often as he ſhall commit the ſame after ſuch ſecond conviction.

Power of commiſſioners.

VI. *ſect.* 5. The ſaid commiſſioners, or any five of them, have authority to direct the making of any new grafts, vaults or cellars, or to cut into any drain or cellar already made, or the altering, inlarging, amending, cleanſing, or ſcowring of any old vaults, ſinks, or common cellars, for the making, amending, or altering of any new or old pavements, or taking away of croſs gutters or channels, and for the removing of all kinds of nuiſances, or any encroachments by ſheds, ſtalls, bulks, ſtumps, poſts, or walls beyond the old foundations into the ſtreets, in ſuch places as ſhall be adjudged convenient, and to hinder the paſſage, provided that ſuch encroachments as the aforementioned which are nuiſances that have continued above thirty years laſt paſt ſhall not be removed, nor any new grafts or cellars cut or made until reaſonable ſatisfaction ſhall be given by the ſaid commiſſioners to the parties that ſhall ſuffer thereby.

Adjuſting ſatisfaction.

(2) And if any perſons ſhall own the ſaid encroachments, or ſhall not accept of ſuch reaſonable ſatisfaction as ſhall be offered by the ſaid commiſſioners, or any five of them for the pulling down or removing ſuch nuiſances or encroachments as have been continued before the time aforeſaid, or making or cutting new grafts, vaults, or cellars, in ſuch caſe of refuſal the lord chancellor upon a petition preferred to him by the party grieved, is required to adjudge what ſatisfaction ſhall be fit for the ſaid perſons to receive for the removing or pulling down any ſuch nuiſances or encroachments, or making any new grafts, vaults, or cellars as aforeſaid.

Levying fines.

VII. *ſect.* 6. All ſuch fines as ſhall be impoſed by ſaid commiſſioners, or any five of them, upon any perſons for any offence committed contrary to this act, ſhall be levied by warrant under the hands and ſeals of the ſaid commiſſioners or any five of them, directed to the conſtables of the pariſh where ſuch offenders live.

(2) And

Refuſal of payment.

(2) And the conſtables of ſuch pariſhes reſpectively are required upon receipt of ſuch warrant to go unto the perſons ſo fined and demand payment of ſuch fine, and in caſe of neglect or refuſal thereof to diſtrain for the ſame, and ſuch diſtreſſes ſo taken to ſell, paying the overplus, if any, to the perſons ſo diſtrained; and the ſaid conſtables are to pay all ſuch monies as ſhall be received or levied by way of diſtreſs into the hands of ſuch perſons as by the ſaid commiſſioners, or any five of them, ſhall be appointed to receive the ſame, and diſpoſe thereof for the removing of the ſaid nuiſances, and preſerving the ſaid cathedral from inundations, in ſuch manner as the ſaid commiſſioners, or any five of them, ſhall by warrant under their hands direct.

Conſtables neglecting.

VIII. *ſect.* 7. If any conſtable ſhall neglect or refuſe to execute any warrant made unto them, for diſtraining and ſelling the goods of any offender againſt this act, or levying ſuch monies as ſhall be impoſed by the ſaid commiſſioners, or any five of them as aforeſaid, ſuch conſtables ſo offending, ſhall incur the penalty of impriſonment, for any time not exceeding ſix months, and ſhall pay ſuch fine as the ſaid commiſſioners, or any five of them, ſhall think fit to impoſe, not exceeding five pounds, which the ſaid commiſſioners are hereby authorized to impoſe and levy in manner as aforeſaid, and may, by warrant under their hands and ſeals, commit ſuch offender to the next gaol, in caſes of neglect or refuſal to execute his duty according to this act.

Gaolers to receive offenders.

(2) And the ſaid gaoler is hereby required to receive all offenders againſt this act ſo ſent to him by the ſaid commiſſioners, or any five of them, and to detain them in ſafe cuſtody, according to the ſaid warrant, upon penalty of five pounds to be levied as aforeſaid.

Aſſeſſments by the commiſſioners.

IX. *ſect.* 8. In caſe the ſaid commiſſioners, or any five of them, upon inquiry and due conſideration had of what are the cauſes of the ſaid nuiſance and inundation, and by what means the ſame may be remedied, whether by diverting the water-courſe, or turning the ſtreams ſome other way, ſhall find that the ſame cannot be well effected without ſome conſiderable expence, in ſuch caſe it ſhall be lawful for the ſaid commiſſioners, or any five of them, to lay ſuch tax or aſſeſſment upon the dean, dignitaries and prebends of the ſaid cathedral church of St. Patrick's Dublin, and the ſeveral inhabitants of St. Patrick's-ſtreet, and in the cloſe of the ſaid cathedral, and on all perſons that live within the liberties of St. Sepulchre's and Donore, or within the level and danger of the ſaid inundation, as they conceive may be ſufficient to defray the charges of making a new graft or current, or ſcowring or cleanſing the old grafts or currents for preventing the ſaid inundation, provided that no perſons be rated or aſſeſſed in any one year towards the ſaid tax, above five pounds.

Aſſeſſments on the inhabitants.

(2) And the ſaid commiſſioners, or any five of them, are authorized by precept under the hands and ſeals of any five as aforeſaid, to cauſe the ſaid monies to be equally aſſeſſed and taxed upon the ſeveral inhabitants of the places aforeſaid, and the ſame to be levied and collected by way of diſtreſs and ſale of the offenders goods, and to pay all ſuch monies as ſhall be ſo taxed and levied into the hands of ſuch perſons as by the ſaid commiſſioners or any five of them ſhall be appointed, who is to iſſue forth the ſame as the ſaid commiſſioners or any five of them think fit.

General iſſue.

X. *ſect.* 9. Perſons ſued for putting in execution any of the powers contained in this act may plead the general iſſue, &c. and if the plaintiff be non-ſuit or a verdict paſs for the defendant thereupon, or if the plaintiff diſcontinue his action, or if upon demurrer judgment be given for the defendant, ſuch defendant ſhall have treble coſts.

XI. *ſect.*

XI. *ſect.* 10. The ſaid commiſſioners or any five of them, are authorized to appoint a treaſurer or collector, and clerk to attend them, with ſuch moderate allowances as ſhall be fit, not exceeding five ſhillings for each day the commiſſioners ſhall meet and ſit on the matter aforeſaid. Appointment of officers.

XII. *Stat.* 6 *Geo.* 1. *cap.* 16. *ſect.* 1. The lord mayor, ſheriffs, commons, and citizens of Dublin, ſhall peaceably occupy and enjoy the ancient water-courſe, *taken out of the river Dodeer, and now beginning at the Ware at the foot of Balruddery-hill, between an houſe now called Aſhworth's new paper mill, and one other ſmall ſtone-houſe belonging to Sir Thomas Domville, under the aforeſaid hill, which water-courſe from thence goes into and through the lands of Templeoge, and other lands to the city of Dublin*, and have free liberty without being liable to any treſpaſs or other action for the ſame, to enter with neceſſary workmen, horſes and carriages, on any land or ground, through which the ſaid water-courſe doth run, to dig and trench, and amend the ſaid water-courſe and wear, ſo as ſuch wear croſs the ſaid river Dodeer at the head of the ſaid water-courſe, be not raiſed in amending or repairing the ſame above the ancient and uſual height, and uphold the banks, &c. which keep in the ſame. Repairing water-courſes.

(2) And where any cuts or breaches have been made in the ſaid banks or ditches, to carry off the ſaid water from its ancient courſe, within the ſpace of twenty years next preceding the firſt day of this preſent ſeſſions of parliament, to any bleaching-yard or mill within that time made or erected, it ſhall be lawful for the ſaid lord mayor, &c. to ſtop ſuch cut or breaches, and to make up and repair the banks, to the end that the water may not be diverted from its ancient courſe and channel. Stopping cuts or breaches.

(3) And in caſe the ſaid lord mayor, &c. officers or workmen ſhall be interrupted, or prohibited to dig and trench the ſaid water-courſe, or to repair the banks, &c. which keep in the ſaid water-courſe, or to ſtop ſuch cut or breaches in the ſaid banks by any perſon, every perſon ſo moleſting, reſiſting or interrupting the ſaid lord mayor, &c. contrary to this act, ſhall forfeit for every ſuch offence ten pounds, one moiety thereof to the governors of the Blue-coat hoſpital in Oxmantown near Dublin, to be applied to the uſe of the ſaid hoſpital, the other moiety to the informer, to be recovered by action of debt in any of the King's courts, in which no eſſoign, &c. ſhall be allowed, or by civil bill at the general quarter-ſeſſions to be held for the county of Dublin, or the county of the city of Dublin where ſuch offence ſhall be committed. Interrupting repairs.

XIII. *ſect.* 2. It ſhall be lawful for the ſaid lord mayor, &c. their officers and ſervants for the conſideration herein after expreſſed, to enter into the ſaid ground and poſſeſſions, to alter the ſaid courſe by making new cuts, ditches, trenches or paſſages for the ſaid water, not exceeding four feet and a half in breadth, or by laying pipes for the better conveyance of the ſaid water in or through the lands contiguous to the ſaid ancient water-courſe, as they ſhall judge neceſſary, except through houſes, gardens, orchards, and other ornamental improvements belonging to ſuch houſes, for the more effectual conveying the ſaid water to the ſaid city in the ſtead of ſuch ancient water-courſe, or ſuch parts thereof as ſhall appear to them to be defective, ſo as there ſhall be but one water-courſe for conveying of ſuch water to the ſaid city, and after the ſame are ſo dug or made, or pipes laid, to have free ingreſs and regreſs to all ſuch lands where ſuch new trenches, ditches or pipes ſhall be made or laid to view, and them to repair and uphold without interruption. Altering the water-courſe.

Compoſition with owners, &c.

(2) In conſideration whereof the ſaid lord mayor, &c. ſhall make ſuch compoſition with the owners and occupiers of the ground through which the ſaid new trenches or ditches ſhall be made or cut, for ſuch damage as they ſhall reſpectively ſuſtain thereby, as ſhall be to the conſent of the owners and occupiers of the ſaid ground; and in default of ſuch agreement by mutual aſſent, ſuch recompence ſhall be made as ſhall be adjudged either by commiſſioners to be aſſigned for that purpoſe by the lord chancellor, lord keeper, &c. by commiſſion under the great ſeal, or if ſuch owners or occupiers ſhall require the ſame, by a jury to be impannelled by the ſheriff of the county for that purpoſe.

Commiſſioners to be appointed.

XIV. *ſect.* 3. At the requeſt and charges of the lord mayor, &c. commiſſions under the great ſeal ſhall be granted to twelve ſuch perſons as the lord chancellor, lord keeper, or commiſſioners of the great ſeal ſhall appoint, whereof ſix ſhall be of the county of Dublin, and ſix of the county of the city of Dublin, and every of them having lands of the clear yearly value of one hundred pounds at the leaſt, which twelve or any nine of them, ſhall have power to order what rates or ſums of money ſhall be paid by the lord mayor, &c. to the owners and occupiers of the ſaid grounds reſpectively, for which ſatisfaction is to be made by this act, if the parties of themſelves cannot agree.

Determination of commiſſioners.

XV. *ſect.* 4. The commiſſioners to be appointed in purſuance of this act or any nine of them, are authorized by examination of witneſſes upon oath, or by any other lawful means to determine the ſame.

Notice of time and place, &c.

XVI. *ſect.* 5. Provided that before ſuch examination or inquiry ſhall be made, due notice ſhall be given unto the owners or occupiers of ſuch grounds, or left for them in writing at their uſual place of abode, and alſo to the lord mayor of Dublin, by the ſpace of ſix days, of the time and place, when and where ſuch commiſſioners or jury intend to meet to aſcertain ſuch ſatisfaction, ſo as ſuch place be within the county of the city of Dublin, or county of Dublin.

Agreement to be made.

XVII. *ſect.* 6. Until a full agreement be had, or payment ſhall be made to the owners or occupiers of the ſoil reſpectively, through which ſuch new cuts ſhall be made, according to the valuation of the damage which they ſhall reſpectively ſuſtain, as the ſame ſhall be found and returned by ſuch jury, or by ſuch commiſſioners as aforeſaid, it ſhall not be lawful for the ſaid lord mayor, &c. to put the ſaid digging or making a new trench in execution.

Tucking-mills on water-courſe.

XVIII. *ſect.* 7. No tucking-mill ſhall be permitted to continue on the ſaid water-courſe, from the town of Temple-oge in the county of Dublin to the city of Dublin, and in caſe the proprietors, occupiers, or poſſeſſors, ſhall continue ſuch tucking-mills on the ſaid water-courſe after the ſaid firſt day of March one thouſand ſeven hundred and nineteen, ſuch perſons ſhall forfeit twenty pounds for every month ſuch tucking-mill ſhall continue after the ſaid day, to be recovered by action of debt in any court of record, one moiety to the uſe of the Blue-coat Hoſpital in Oxmantown near Dublin, and the other moiety to the informer, in which no eſſoign, &c. ſhall be allowed.

Satisfaction to owners.

XIX. *ſect.* 8. Provided that ſuch ſatisfaction ſhall be firſt made to the owners or proprietors of every ſuch tucking-mill already erected, which ſhall be taken down or deſtroyed in purſuance of this act, as ſhall be awarded by a jury to be impannelled by the ſheriff of the county as aforeſaid, or by a commiſſion under the great ſeal, to be awarded in manner aforeſaid.

Waſhing, &c. on the water-courſe.

(2) And in caſe any perſons ſhall waſh, dip, ſcowr or beat within the ſaid water-courſe any linen or woollen cloth, yarn, flax, tape, ſkins, wool or woolpacks,

packs, or garbage, every perſon ſo offending, ſhall forfeit the cloth, yarn, flax, tape, or ſkins, wool or wool-packs, and alſo forty ſhillings, to be recovered before any juſtice of the peace for the county where ſuch offence ſhall be committed, upon the oath of one witneſs.

(3) And upon conviction, to be levied on the goods of the offenders, by warrant under the hand and ſeal of ſuch juſtice, who is required to grant ſuch warrant, and to be applied to the ſole uſe of the informer, and in caſe of inability to pay the ſame, the offenders to be ſent to the houſe of correction, for any time not exceeding forty eight hours, there to be whipt and kept to hard labour. Warrant of diſtreſs.

XX. *ſect.* 9. No houſe of eaſe ſhall be ſuffered to continue on ſuch water-courſe within one mile of the city of Dublin, and in caſe any perſon ſhall continue ſuch houſes of eaſe upon ſuch water-courſe, or ſhall build any new one upon ſuch water-courſe within one mile of the ſaid city, every perſon ſo offending, ſhall forfeit for every month ſuch houſe of eaſe ſhall continue, five pounds, to be recovered before any juſtice of the peace for the county where ſuch offence ſhall be committed, upon the oath of one witneſs, and upon conviction, to be levied on the goods of the offenders, by warrant under the hand and ſeal of ſuch juſtices, who are hereby required to grant the ſame, and to be applied to the uſe of the informer. Houſes of eaſe on water-courſe.

XXI. *ſect.* 10. No mill of any kind ſhall at any time hereafter be erected upon the ſaid water-courſe, and no mill erected ſince the firſt day of May one thouſand ſeven hundred and nineteen, or now building, nor any mill or edifice now erecting and intended for a mill upon the ſaid water-courſe, ſhall be made uſe of for a mill. Mills not to be erected.

(2) And in caſe any perſon ſhall offend in any of the ſaid particulars, ſuch perſon ſhall forfeit two hundred pounds, and if ſuch perſon ſhall afterwards make uſe of ſuch mill or edifice now building for a mill, or hereafter to be built, ſuch perſons ſhall, for every month they ſhall uſe the ſame, forfeit twenty pounds, the ſaid penalties to be recovered by action of debt, one moiety to the uſe of the informer, the other moiety to the uſe of the governors of the Blue-coat Hoſpital. Penalty of two hundred pounds.

XXII. *ſect.* 11. No owner of any mill on the ſaid water-courſe, or other perſons ſhall in any of the months of May, June, July or Auguſt, dam up or ſtop the ſaid water-courſe, but the ſaid water-courſe during the ſaid months in every year ſhall run free without being obſtructed by any flood gates or dams; and in caſe any perſons ſhall dam or ſtop the currency of the ſaid water during any part of the ſaid time, every perſon ſo offending ſhall forfeit ten pounds for every ſuch offence, to be recovered by civil bill, one moiety to the informer, and the other moiety to the uſe of the governors of the Blue-coat Hoſpital, for the uſe of the ſaid hoſpital. Damming up the water.

XXIII. *ſect.* 12. If any perſon ſhall break, throw down, or deſtroy the banks, ditches, gutters, cauſeways or fences of the ſaid water-courſe, or any of them, or by making gaps, cuts or holes in the ſaid banks or ditches draw off the water from the ſaid water-courſe, or from any new trenches that ſhall be hereafter made in purſuance of this act, or ſhall make any new trenches from the ſaid courſe to carry off and divert the water, every perſon offending in any of the ſaid particulars, ſhall, for every ſuch offence, forfeit five pounds, to be recovered by civil bill at the quarter-ſeſſions for the county of Dublin, or county of the city of Dublin, where ſuch offence ſhall be committed, one moiety to the uſe of the informer, the other moiety to the uſe of the governors of the Blue-coat Hoſpital, for the uſe of the ſaid hoſpital. Throwing down banks.

General iſſue.

XXIV. *ſect.* 15. If any ſuit ſhall be brought againſt any perſon, for any matter done by virtue of this act, the defendant may plead the general iſſue, &c. and if a verdict ſhall paſs for the defendant, or the plaintiff be non-ſuited, or diſcontinue his action after the defendant hath appeared, the defendant ſhall recover double coſts.

Dublin, Work-houſe.

The following acts repealed,
2 Anne c. 19.
1 G. 2. c. 27.
3 G. 2. c. 17.
5 G. 2 c. 14.
19 G. 2. c. 21.
20 G. 2. c. 16.
11 G. 3. c. 2 ſ. 4.
except ſo much of the 1 G. 2. c. 27. as relates to gun-powder in Dublin.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 11. *ſect.* 1. After the 24th of June 1772, an act in the ſecond year of Queen Ann; and alſo an act in the firſt year of his late Majeſty; and alſo an act in the third year of the ſaid reign; and alſo an act in the fifth year of the ſaid reign; and alſo an act in the nineteenth year of the ſaid reign; and alſo an act in the twentieth year of the ſaid reign; and alſo a clauſe in an act in the eleventh year of his preſent Majeſty's reign, whereby the ſaid ſeveral acts are to continue in force until the 24th of June, 1792, and to the end of the then next ſeſſion, ſhall be repealed and made null and void, except ſo much of the ſaid act in the firſt of his late majeſty, as relates to the preventing miſchiefs, which may happen by keeping gun-powder within the city of Dublin.

A new corporation created, to continue for ever.

II. *ſect.* 2. And whereas by the repeal of the ſaid ſeveral acts, the corporation of the governors of the work-houſe will be diſſolved: after the 24th of June, 1772, there ſhall be a corporation of governors of the foundling hoſpital and work-houſe to continue for ever in the county of the city of Dublin, which corporation ſhall conſiſt of the ſeveral perſons after mentioned.

On death or reſignation.

III. *ſect.* 3. On the death or reſignation of any perſon herein particularly before mentioned, whereby a vacancy of a governor ſhall happen, the governors of the ſaid foundling hoſpital and work-houſe, at the next or any other general meeting, to be held as hereafter is mentioned, ſhall elect another who ſhall be reſident within ſaid city, or within three miles, in the place and ſtead of every ſuch perſon; and as often as any vacancy ſhall happen by death or reſignation in the place of any of the perſons hereafter to be elected to ſucceed therein, ſome other perſon or perſons qualified as aforeſaid, ſhall in like manner, from time to time for ever hereafter be elected; which perſons ſo elected ſhall to all intents and purpoſes be deemed and taken to be governors and members of the ſaid corporation, as if their names were herein particularly inſerted.

A body politick and corporate,

IV. *ſect.* 4. After the 24th of June, 1772, the ſaid perſons and their ſucceſſors, ſhall for ever, in name and fact, be one body politick and corporate in law, to all intents and purpoſes, and have perpetual ſucceſſion, and called the governors of the foundling hoſpital and work-houſe of the city of Dublin, and enabled to plead and ſue, and be ſued and impleaded by that name, and have a common ſeal for their uſe, and without licence in mortmain purchaſe, take, and receive any lands tenements, or hereditaments whatſoever, not exceeding the annual value of two thouſand pounds, or any perſonal eſtate whatſoever, for the uſe and benefit of the ſaid corporation.

a common ſeal.

11 governors elect in room of thoſe dying,

V. *ſect.* 5. Said governors, or any eleven or more, ſhall, at their firſt meeting after the 24th of June, 1772, in caſe any of the perſons before named happen to die before the ſaid meeting, elect one or more perſons, qualified

qualified as aforeſaid, to be governors in the room, and alſo then proceed to elect and appoint a proper perſon to be their treaſurer, or ſteward and overſeer of ſaid foundling hoſpital and work-houſe, during their pleaſure, at a ſalary not exceeding one hundred and fifty pounds *per annum*, and the ſaid treaſurer or ſteward and overſeer, when ſo elected and appointed, ſhall, with two other ſolvent and ſufficient perſons, execute a bond to ſaid governors in a ſum not leſs than two thouſand pounds conditioned for his well and truly accounting upon oath to the ſaid governors once every year or oftener, if thereunto required, for all ſums which ſhall come into his hands as treaſurer, and for faithfully diſcharging his duty in every particular, and for keeping one or more good and ſufficient clerks, the better to execute his ſaid office, for the juſt and good conduct of which clerks he ſhall be accountable.

and a treaſurer during pleaſure.

VI. *ſect.* 6. Provided, that the ſums paid to ſuch clerk or clerks, do not in the whole in any one year, exceed twenty pounds; and every ſuch clerk, before he ſhall act as ſuch, ſhall be approved of by ſaid governors, or any eleven or more; and ſaid governors ſhall alſo at ſame time nominate and appoint a regiſter during pleaſure at a ſalary not exceeding ſixty pounds a year; and ſaid regiſter ſhall from time to time ſummon every member of ſaid corporation reſiding in Dublin, or the liberties adjoining, to meet at ſaid work-houſe, to hold a general court of aſſembly on the days herein after directed for the quarterly holding of the ſame, or oftener, at the ſaid work-houſe, or any other place, if ſaid governors, or any eleven, or the court of aſſiſtants, or any five or more, ſhall ſee occaſion; and the ſaid regiſter ſhall alſo give notice to each member of the court of aſſiſtants of their days and place of meeting, and ſhall alſo do ſuch other buſineſs, as ſaid governors, or any eleven, ſhall from time to time think neceſſary; and ſaid regiſter, before he enters upon his office, ſhall, with two other ſolvent and ſufficient perſons, execute a bond to ſaid governors for a ſum not leſs than five hundred pounds, conditioned for his faithful diſcharge of duties of his office; and it ſhall be lawful for ſaid governors, eleven at leaſt being preſent at any ſuch meeting, to nominate and appoint, during pleaſure, two phyſicians to attend ſaid foundling hoſpital and work-houſe, during pleaſure at a yearly ſalary, not exceeding eighty pounds each; and alſo all other neceſſary officers and ſervants, during pleaſure, with ſuch reaſonable ſalaries as they ſhall judge proper, not exceeding in the whole, excluſive of thoſe hereby granted to the treaſurer, regiſter, and phyſicians, the yearly ſum of five hundred pounds: provided no maſter or miſtreſs, employed for inſtruction of the children, nor any nurſe be deemed an officer or ſervant within this clauſe.

20l. a year to clerks.

11 may elect a phyſicians and other neceſſary officers.

VII. *ſect* 7. It ſhall be lawful for ſaid governors, or any eleven, upon the death, amotion, or reſignation of the treaſurer or regiſter from time to time for ever hereafter, at the firſt or any other general aſſembly held after, to elect a perſon to ſucceed, at the ſalary, and ſubject to all the regulations, conditions, and proviſoes herein before and herein after contained, of and concerning the ſame reſpectively, and to make and ordain ſuch rules, ordinances, bye-laws, and other regulations, as any eleven or more ſhall judge neceſſary and expedient for the good government of ſaid foundling hoſpital and work-houſe, and maintenance, education, and ſupport of the children received or to be received therein, or ſent to nurſe, ſo as the ſame be not contrary to the laws and ſtatutes of this realm.

11 at general aſſembly may elect ſucceſſor to treaſurer or regiſter.

make bye-laws, &c.

not contrary to law.

VIII. *ſect.*

All rights veſted in the new governors.

VIII. *ſect.* 8. All lands, tenements, and hereditaments belonging to the corporation, hereby to be diſſolved, either in poſſeſſion or reverſion, and all ſums of money goods, and chattles, debts and dues, and all right of action, of entry, rights, profits, properties, uſes, truſts, intereſts, poſſibilities, claims, and demands whatſoever, either in law or equity, to which ſaid corporation ſhall in any ſort be entitled unto ſeiſed or poſſeſſed of, on the 24th of June 1772, ſhall after the ſaid day be veſted in the ſaid governors hereby appointed, and their ſucceſſors for ever, for the uſe and ſupport of the ſaid foundling hoſpital and work-houſe, any law or ſtatute to the contrary notwithſtanding.

Subject to all demands againſt the late corporation,

IX. *ſect.* 9. Said corporation created by this act, ſhall after the 24th of June, 1772, be ſubject and liable to all actions and ſuits, cauſes of actions and ſuits, claims, and demands whatſoever, to which the ſaid corporation, hereby to be diſſolved, would have been in caſe this act not made; and all actions and ſuits brought or inſtituted either by or againſt the ſaid corporation hereby to be diſſolved, and depending on the ſaid 24th of June may be continued and carried on by or againſt the ſaid corporation, hereby created, in the ſame manner as ſuch actions or ſuits might by or againſt the ſaid corporation, in caſe the ſame had not been diſſolved.

ſuits depending carried on.

4 quarterly meetings.

X. *ſect.* 10. Said governors ſhall have four general quarterly meetings every year, on every Monday next after the 24th of June, and next after the 29th of September, and next after the 25th of December, and next after the 25th of March, held at the ſaid foundling hoſpital, that they or any eleven or more ſhall at their general quarterly meeting or aſſembly, held the Monday immediately after the 24th of June in every year, conſtitute and appoint out of all the ſaid governors, the number of fifteen or more, to be called the court of aſſiſtants; which perſons ſo choſen, or any five or more, ſhall have full power and authority for one year, to meet together at ſuch place and places, and as often as they ſhall think proper; and ſhall and may put in force and execution all the laws, rules, orders, and regulations, made or ordained by ſaid governors at any of their ſaid quarterly or other general meetings or aſſemblies, wherein eleven at leaſt preſent, and ſhall alſo execute the ſeveral matters hereby intruſted to them; and order ſummonſes for calling a general aſſembly, ſo often as they ſhall ſee occaſion; and the ſaid court of aſſiſtants, or any five of them, ſhall during one year, have full and abſolute power and authority to inſpect into and regulate the management of the ſaid foundling hoſpital and work-houſe, and the children received therein, or ſent to nurſe.

chuſe court of aſſiſtants 15 or more, for one year, any 5 may act,

call a general aſſembly,

inſpect and regulate.

Bound by orders of general court.

XI. *ſect.* 11. Provided every rule or order by any general court of aſſembly ſhall be binding and concluſive to ſaid court of aſſiſtants, and that they do not preſume to ſuſpend, invalidate, alter, or contradict the ſame, or any thing in this act contained.

Arrears veſted in the governors.

XII. *ſect.* 12. All and ſingular arrears, and all right thereunto, are hereby veſted in the governors appointed by this act, and their ſucceſſors for ever, for uſe of the ſaid foundling hoſpital and work-houſe; and every of the inhabitants in the ſaid city and liberties, and alſo the tenants to the ſeveral lands, tenements, and hereditaments, that have been granted to or belong to the ſaid corporation, and alſo every perſon indebted or in arrear for or on account of coaches, chaiſes, chairs, drays, carts, cars, and other carriages, and ſedans, who have not duly paid the ſeveral ſums of money which they were reſpectively obliged to pay purſuant to ſaid recited acts, or by any leaſe, minute, contract,

contract, or agreement, or licence, do pay the ſame to perſons who by ſaid governors, or any eleven, ſhall from time to time be appointed at any general aſſembly to collect the ſame; and ſuch perſons ſhall have full and abſolute power and authority to receive all ſuch arrears, or to ſue for and recover the ſame by diſtreſs or any other ways or methods in as full and ample a manner, as the ſame could or might have been ſued for and recovered by the ſaid recited act, or any of them; and the ſaid arrears, or ſo much thereof as ſhall be collected and received, ſhall be applied and diſpoſed of in the firſt place for payment of ſuch debts, as have or ſhall have been *bona fide* contracted by the governors appointed by the before recited acts, or any of them, in the management and ſupport of ſaid houſe; and the overplus, if any, ſhall be applied in ſuch manner, and to ſuch uſes of the foundling hoſpital or work-houſe, as the governors thereof, eleven at leaſt preſent, ſhall direct and appoint at any general aſſembly; and ſuch perſons appointed to collect and receive ſaid arrears, or all or any of the funds hereby intended for uſe of the ſaid houſe, and maintenance, education, and ſupport of the children, ſhall give receipts under their hands for all ſuch ſums as by them ſhall be collected; which receipt ſhall be a ſufficient and legal diſcharge to the perſons ſo obtaining the ſame.

paid to perſons appointed by 11 at general aſſembly,

applied firſt to debts,

overplus by 11 at general aſſembly,

receipts by ſuch perſons a diſcharge.

XIII. *ſect.* 13. The treaſurer, and all perſons who ſhall be intruſted with the receipt or diſburſement of the revenue of the corporation, or any part, and all other perſons whatſoever who ſhall account with ſaid corporation, eleven of the governors at leaſt being preſent, for any ſums collected, received, or diſburſed for uſe of ſaid corporation, ſhall account on oath before ſaid governors, and alſo, for all diſburſements or payments, if required; which oaths ſaid governors or any eleven are hereby impowered to adminiſter.

Account on oath 11 preſent.

XIV. *ſect.* 14. No vagabond or ſtrolling beggar ſhall be ſent into the ſame houſe, or kept within the ſame walls with the children hereby intended to be provided for; but every ſuch perſon, who may be apprehended in purſuance of this act, ſhall be ſent to bridewell, or to ſuch other place as the ſaid governors, or any eleven, ſhall think fit to appoint within ſaid city or liberties, ſeparate, diſtinct, and apart from the ſaid children; and ſaid vagabonds and ſtrolling beggars ſhall be maintained and ſet to work at the expence of ſaid corporation out of the revenue hereby granted; and the ſaid governors or any eleven, are hereby empowered and directed to make ſuch rules and orders for the relieving, regulating, and ſetting to work, and for good and proper management of ſuch vagabonds and ſtrolling beggars, and of the perſons neceſſary to attend and overſee, as to them ſhall ſeem proper, and to provide ſuch neceſſaries and materials as they ſhall think convenient for ſetting ſuch vagabonds and beggars at work; and alſo to apply the produce and benefit that may ariſe from ſale thereof, in aid of their revenues to uſe of the hoſpital and work-houſe.

No vagabonds or beggars in the houſe with children,

maintained and ſet to work,

produce in aid of the revenues.

XV. *ſect.* 15. Said governors, or any eleven, and ſaid court of aſſiſtants, or any five, ſhall have power to inflict reaſonable puniſhment or correction from time to time on any vagabond, beggar, or poor perſon within the ſaid bridewell, or other place of confinement, who ſhall not conform to ſuch rules and regulations ſo made.

Puniſhed for not conforming to rules.

XVI. *ſect.* 16. Said governors, and every of them, and any juſtice of the peace for ſaid city, ſhall have full power to apprehend all idle or poor people begging or ſeeking relief, and all vagabonds and ſturdy and ſtrolling beggars within

Apprehended by any governors, &c.

within the ſaid city or the ſuburbs or liberties: and every beadle or bellower of every pariſh within ſaid city, and ſuburbs, or liberties, and every conſtable within their reſpective diſtricts or juriſdictions, ſhall be hereby required and impowered, and every pariſhioner or inhabitant in any of the pariſhes aforeſaid, or any other perſon whatſoever, calling to aſſiſtance the beadle of the pariſh, or a conſtable, ſhall have full power and authority to ſeize and apprehend, and bring before any one of ſaid governors, or any one of his Majeſty's juſtices of the ſaid city, any ſturdy ſtrolling beggar, or other idle vagabond that they ſhall know, find, or be informed of, to be begging, ſtrolling in, or frequenting in any of the ſtreets, houſes, or other places within ſaid city, ſuburbs, or liberties; and the ſaid governor or juſtice, is hereby impowered and required by warrant under hand and ſeal, (which warrant every beadle, bellower, and conſtable within ſaid city, ſuburbs, or liberties, is required to execute, and be aiding and aſſiſting in the execution of) to commit ſaid perſons, ſo apprehended, upon view, or brought before him or them, or any of them, to bridewell, or other place appointed, there to be confined and kept to hard labour, as he ſhall think fit to direct in ſaid warrant until the next general court of aſſembly; and ſuch court of aſſembly, not leſs than eleven preſent, if they ſhall ſee ſufficient cauſe, ſhall and may confine ſuch ſturdy ſtrolling beggars, idle vagabond, or other perſon ſo committed, for any term, not longer than three years, there to be kept to hard labour, or otherwiſe uſefully employed, as they ſhall ſee cauſe, and ſhall order and direct; and if any beadle or bellower, or conſtable, ſhall, when called or ſent for by any pariſhioner or inhabitant aforeſaid, or other perſon, neglect, or refuſe to ſeize, apprehend, and bring before any one of ſaid governors or juſtices any ſturdy beggar or other idle vagabond found begging, ſtrolling, or frequenting in any of the ſtreets or houſes within ſaid city and ſuburbs or liberties, or ſhall otherwiſe be negligent or offend contrary to the intent and meaning of this act, ſuch beadle, &c. ſo offending, ſhall for every ſuch offence upon conviction thereof in a ſummary way by the oath of any one credible perſon before any general aſſembly, or court of aſſiſtants, or any five, forfeit and pay to the ſaid governors for the uſe of the ſaid houſe, the full ſum of twenty ſhillings, to be recovered, in caſe of nonpayment by diſtreſs and ſale of goods and chattles of the offender, by warrant under hands and ſeals of ſaid governors, or any eleven preſent at any ſuch general court of aſſembly, or of ſaid court of aſſiſtants; and in caſe ſuch beadle, &c. ſhall not be able to pay, or ſhall not pay the fine impoſed, ſubject to like pains and penalties, as by this act impoſed upon any vagabonds or beggars.

ſent to bridewell,

confined not above 3 years,

beadle, &c. neglecting forfeits 20s.

on conviction ſummarily,

by diſtreſs and ſale,

on non-payment puniſhed as vagabonds.

Poor children under 6.

XVII. *ſect.* 17. All poor children under the age of ſix years, found or taken up within ſaid city and liberties, or ſent to the foundling hoſpital, ſhall be received and kept therein, or ſent to nurſe therefrom; and all children, who ſhall appear to be ſix years old, and whoſe age ſhall not be thought to exceed eight, and ſhall be preſented to ſaid governors, eleven at leaſt preſent, or to ſaid court of aſſiſtants, or any five, to be received or admitted into ſaid houſe, ſhall be by them received, provided there ſhall be proper room in the ſaid houſe, and provided ſuch children appear ſound in mind and body.

under 8.

Inſtructed in religion, to read, &c.

XVIII. *ſect.* 18. All children ſo received, ſhall, as ſoon as capable, be thoroughly inſtructed in the principles of the proteſtant religion, as by law eſtabliſhed, and taught to read, write, and caſt accounts, and alſo inſtructed in ſuch other uſeful matters, as the ſaid governors, or any eleven, ſhall

ſhall think proper, and may tend to increaſe the fund for ſupport of ſaid houſe.

XIX. *ſect.* 19. Said governors ſhall from time to time, eleven at leaſt preſent, or ſaid court of aſſiſtants, five preſent, place out apprentices by proper indentures, containing uſual, legal, and reaſonable covenants, ſuch and ſo many of the ſaid children, as they ſhall think proper, to perſons of the proteſtant religion, following or profeſſing any art, trade, myſtery, or calling, or to ſeafaring men, or to gentlemen or houſe keepers for ſervants, for any term not exceeding ſeven years; in every which indenture ſhall be contained a covenant, that every child ſo apprenticed, ſhall be inſtructed, educated, and brought up, during his apprenticehood, in the proteſtant religion. Placed out apprentices.

XX. *ſect.* 20. And whereas it will be neceſſary alſo to entertain a great number of nurſes, or other attendants, ſaid governors, eleven at leaſt preſent, or ſaid court of aſſiſtants, or any five, ſhall have full power and authority, by warrant under hands and ſeals, to commit ſuch perſon, upon conviction by the oath of one credible witneſs, (which oath ſaid governors, or any five of them are hereby impowered to adminiſter) that he, ſhe, or they have been diſorderly or guilty of petty frauds in ſaid houſe, to bridewell, there to be kept to hard labour, for any time not exceeding fourteen days. Nurſes and attendants for diſorder.

XXI. *ſect.* 21. Said governors, eleven at leaſt preſent, ſhall have power and authority, and are required, under their common ſeal, after the 24th of June, 1772, from time to time, and at all times for ever thereafter, to licenſe all ſuch perſons, as ſhall own, keep, or drive any hackney coach, landau, chariot, poſt chaiſe, or berlin, or other carriage drawn by two or more horſes or other beaſts plying in the ſtreets, and carrying for hire, any perſon or perſons within ſaid city, ſuburbs, and liberties, or from any part to any place not exceeding the diſtance of ſeven miles, or plying as a ſtage from ſaid city or liberties to any place not exceeding the diſtance of ſeven miles; and alſo all ſuch perſons as ſhall own, keep, drive, or let out for hire within ſaid city, ſuburbs, and liberties, by the day, week, month, year, or otherwiſe, any coach, or other carriages drawn by two or more horſes, or other beaſts, in the way of job, for the ſole uſe of particular perſons within the ſaid city, ſuburbs, or liberties, and which ſhall not ply for publick convenience, and alſo all ſuch perſons as ſhall own, keep, drive, or let out for hire, within the ſaid city, ſuburbs, or liberties, any horſe or horſes, or other beaſts, to draw any coach, &c. in the way of job; and alſo all ſuch perſons as ſhall own, keep, drive, or let out for hire, any hearſe or mourning coach; and alſo all ſuch perſons who ſhall own, keep, drive, or carry any hackney chair or ſedan, within ſaid city, ſuburbs, or liberties, or any Ringſend car, chair, chaiſe, chaiſe-marine, or other carriage drawn by one or more horſes, or other beaſts, for the uſe of carrying for hire any perſon within ſaid city, ſuburbs, or liberties, or within ſeven miles, or ſhall own, keep, or drive any cart, car, dray, or other carriage plying and carrying for hire any load taken up within the ſaid city, ſuburbs, and liberties, or belonging to any brewer, and employed in that buſineſs, or within three miles thereof, or any cart, car, or other carriage that ſhall bring, carry, or draw into ſaid city or liberties, be it for hire or ſale, or otherwiſe, any bricks, ſtones, ſand, gravel, lime, or other materials employed or made uſe of in building

11 to grant licenſes for hackney coaches, or job coaches or horſes, hearſe or mourning coaches, ſedans, Ringſend cars, &c. carts, brewers drays, &c. within 3 miles, with building or paving materials, for hire or ſale,

private carriages for goods on commiſſion,

private chair or ſedan,

plying as meſſengers or porters.

building, or paving, or any private cart, car, dray, or other carriage, ſet up by any perſon reſiding within ſaid city, ſuburbs, or liberties, and employed in the carriage of goods or commodities, which ſuch perſon ſhall have on commiſſion, or ſhall have ſold; and all ſuch perſons who ſhall keep or uſe within ſaid city, ſuburbs, or liberties, any private chair or ſedan, for his or her own uſe; or any perſon who ſhall ply within ſaid city, ſuburbs, or liberties, as a meſſenger or porter, or carry any goods or merchandizes for hire within the ſame.

Hackney coaches 300, ſedans 400,

for hackneys, jobs, hearſe, or mourning coach 5l. for licenſe,

ſedans 10s.

Ringſend cars, &c. 30s.

Brewers drays, &c. and loaded cars, &c. with goods, 20s.

drawing building or paving materials 20s if with one horſe only 10s.

XXII. *ſect.* 22. The number of all common hackney coaches, landaus, chariots, poſt chaiſes, or berlins, ſo licenſed, ſhall not exceed three hundred; and the number of common ſedan chairs licenſed, not to exceed four hundred; and for every licenſe for every hackney coach, job coach, or other carriage drawn by two or more horſes, or any other beaſts, and carrying for hire any perſon within the ſaid city, ſuburbs, and liberties, and for every coach or other carriage drawn by one or more job horſe or horſes, and for every hearſe and mourning coach, there ſhall be paid to ſaid governors, or their officer appointed under their common ſeal, the ſum of five pounds, by way of fine for ſuch licenſe; and for every licenſe for every hackney chair or ſedan, job chair or ſedan, ten ſhillings; and for every licenſe for every Ringſend car, chair, chaiſe-marine, or other carriage drawn by one horſe or other beaſt, and plying and carrying for hire, any perſon within ſaid city, ſuburbs, and liberties, thirty ſhillings; and for every dray, or other carriage belonging to a brewer, and employed in that buſineſs in ſaid city, ſuburbs, and liberties, or within three miles thereof, and for every cart and car, uſually plying and delivering for hire in ſaid city and liberties, any goods, merchandizes, or other load taken up within ſaid city and liberties, twenty ſhillings, by way of fine, for ſuch licenſe; and for every cart, car, or other carriage drawn by more than one horſe or other beaſt than one, and employed in drawing into the ſaid city and liberties any bricks, ſtones, ſand, gravel, lime, or other material uſually employed and made uſe of in building or paving, be the ſame for hire or ſale, or otherwiſe, the ſum of twenty ſhillings, and drawn only by one horſe, or other beaſt, and employed as aforeſaid, be the ſame for hire or ſale, or otherwiſe, the ſum of ten ſhillings; and for every private car, cart, dray, or other carriage, ſet up or kept by any perſon reſiding within ſaid city, ſuburbs, or liberties, and employed in carriage of malt, corn, meal, flour, ſalt, or any goods or commodities which ſuch perſon ſhall have on commiſſion, and in the carriage and delivery of any goods or commodities ſold by ſuch perſons, the ſum of twenty ſhillings; and for every private ſedan chair kept or uſed by any perſon for his or her own uſe, five ſhillings; and for every perſon who ſhall ply as a meſſenger or porter for hire, five ſhillings, before ſuch licenſes ſhall be granted reſpectively and delivered; and the ſaid ſeveral licenſes, ſhall and may be granted after payment of the fines, for any term not exceeding twenty one years; and ſhall be transferable or deviſeable by the parties to whom granted, their executors, adminiſtrators, and aſſigns, in manner after mentioned, and under the rents and covenants contained in the deeds or inſtruments granting ſuch licenſe reſpectively.

private carriages for goods on commiſſion, &c. 20s.

private ſedans, 5s. meſſengers or porters, 5s.

licenſes 21 years;

transferable or deviſeable.

Hackney, jobs, hearſes and mourning coaches, 40s. yearly,

XXIII *ſect.* 23. Upon every of the ſaid licences for every hackney coach, landau, chariot, poſt-chaiſe, or berlin, job-coach, &c. coach, &c. drawn by one or more job-horſes; and every hearſe and mourning coach there ſhall be reſerved

reſerved and made payable to ſaid governors and ſucceſſors, the yearly rent or ſum of forty ſhillings; and for every common chair, or ſedan, job-chair, or ſedan, ten ſhillings; and for every private ſedan chair, ten ſhillings; every Ringſend car, chair, chaiſe or chaiſe marine, ten ſhillings; for every brewers dray, cart, or car, the yearly rent or ſum of twenty ſhillings; and for every other cart and car, uſually plying and delivering for hire, within the ſaid city, ſuburbs and liberties, any goods, merchandize, or other load taken up within the ſaid city and liberties, the yearly rent or ſum of ten ſhillings, every car, cart, or carriage that ſhall be employed in drawing into the ſaid city or liberties, any bricks, ſtones, ſand, gravel, lime, or other material uſually made uſe of in building or paving, there ſhall be paid, if drawn by more than one horſe or other beaſt the yearly rent or ſum of ten ſhillings; and if only by one horſe or other beaſt, five ſhillings; for every private cart, car, dray, or other carriage kept and employed as aforeſaid in the carriage of goods or commodities as aforeſaid, the yearly rent or ſum of ten ſhillings; and for every perſon thereby impowered to ply as a meſſenger or porter the yearly rent or ſum of four ſhillings; the ſaid ſeveral rents paid quarterly, at the four uſual days of payment every year, viz. every twenty ninth of September, twenty fifth of December, twenty fifth of March, and twenty fourth of June, with ſuch covenants, conditions, and proviſoes therein inſerted, for the more effectual payment thereof, or better regulations of the perſons receiving ſuch licence, and their aſſigns reſpectively, as the ſaid governors or any eleven ſhall think fit.

ſedans 10s. Ringſend cars, &c. 10s. brewers 20s. other carts and cars plying and delivering loads 10s drawing building or paving materials. 10s. if only one horſe 5s. private carriage for goods, &c. 10s. meſſenger or porter 4s. paid quarterly, with covenants and conditions as by 11 governors thought fit.

XXIV. *ſect.* 24. After the 24th of June 1772, no perſon who is or hereafter may be poſſeſſed of any licences, ſhall transfer or aſſign the ſame, except by deviſe, without conſent and approbation of ſaid governors, or any eleven, or the court of aſſiſtants, firſt had and obtained; but every ſuch aſſignment or transfer ſhall be indorſed upon the back of the deed granting ſaid licence, and ſigned by two or more of ſaid governors ſo conſenting; and if any perſon or perſons ſhall preſume to transfer or aſſign any licence contrary to the true intent and meaning hereof, ſuch transfer or aſſignment ſhall be null and void, and the licence thereby aſſigned, forfeited to ſaid governors.

Licence, except by deviſe, not transferred without conſent, indorſed on the deed and ſigned by 2 governors, or void.

XXV. *ſect.* 25. An entry ſhall be made of every grant, aſſignment, transfer, deviſe of, or change of property, in every ſuch licence, in a numerical book or books kept by the regiſter for that purpoſe, within one month after; which entry ſhall be ſigned by, or have the mark of every ſuch grantee, aſſignee, deviſee, or perſon poſſeſſed of the ſame, put thereunto, in the preſence of the ſaid regiſter, who ſhall counter-ſign the ſame, and be made in the following words:

Transfer or deviſe regiſtered, in a month, ſigned by grantee and regiſter.

Regiſtry.

A. B. *of* *in the city of Dublin, or liberty of* *doth regiſter a grant, aſſignment, or deviſe* (as the caſe ſhall happen to be) *of a licence to keep* No. *dated the* *day of* *one thouſand ſeven hundred and* *made unto him by* *entered this* *day of* *one thouſand ſeven hundred and*

For the making of which entry, ſix pence, and no more, ſhall be paid to ſaid regiſter; to which book and books every perſon concerned ſhall have free acceſs to inſpect at all times without fee or reward: and where any perſon ſhall have obtained poſſeſſion of any ſuch licence by means of the right to the poſſeſſion thereof having devolved upon him by death of any perſon to whom the ſame was granted, deviſed, or transferred, in manner herein mentioned, inteſtate, then the words *a grant, aſſignment or demiſe of*

6d. fee, books inſpected without fee on dying inteſtate.

and alſo the words *dated the of one thouſand ſeven hundred and made unto him by* ſhall be omitted, and inſtead of theſe latter words ſhall be inſerted *which came unto him by the death of inteſtate.* And in caſe no ſuch entry ſhall be made within one month after ſuch grant, deviſe, aſſignment, or change of property, every ſuch grantee, deviſee, or aſſignee, or perſon poſſeſſed of and uſing the ſame, ſhall upon ſuch failure forfeit the full ſum of one year's rent contained in and reſerved by ſaid licence, to be recovered and diſpoſed of as herein after mentioned; and in caſe no ſuch entry made within three months, then every ſuch grant, deviſe, or aſſignment ſhall be null and void; and every ſuch licence forfeited to ſaid governors.

If no entry in one month one year's rent forfeited.

if not in 3, void, and licence forfeited.

Arrears firſt diſcharged.

XXVI. *ſect.* 26. No ſuch conſent or approbation ſhall be given, nor entry made, until all arrears due upon ſaid licence firſt paid off and diſcharged.

Hackneys, jobs, hearſe, or mourning coaches without licence, 10l. each offence;

XXVII. *ſect.* 27. After the 24th of June 1772, no perſon ſhall preſume to own, keep, or drive any hackney coach, landau, chariot, poſt chaiſe, berlin, job-coach, &c. or any other carriage drawn by two or more beaſts, and carrying for hire by the hour, day, week, month, or year, or any other ſpace of time, any perſon, or to own, keep, drive, or let out to hire any beaſt or beaſts to draw any coach, landau, chariot, poſt chaiſe or berlin, in the way of job, or any hearſe, or mourning coach within the ſaid city, ſuburbs, or liberties, without ſuch licence firſt obtained from ſaid governors as aforeſaid, under the penalty of ten pounds for each and every ſuch offence; or to own, keep, or carry, within the ſaid city and liberties, any hackney chair, or ſedan, job-chair or ſedan, without ſuch licence firſt obtained, under the penalty of five pounds every offence; or to keep or uſe any private chair or ſedan without ſuch licence as aforeſaid, under the penalty of twenty pounds for every ſuch offence; or to own, keep, or drive, any Ringſend car, chair, chaiſe, or chaiſe-marine, without ſuch licence, under penalty of forty ſhillings every offence; or to own, keep, or drive any dray, cart, car, or other carriage employed in the buſineſs of a brewer, in the ſaid city, ſuburbs and liberties, or within three miles thereof, without ſuch licence, under penalty of thirty ſhillings every offence; or any other cart or car, dray, or other carriage, for which a licence is directed by this act to be taken out, without ſuch licence firſt obtained, under the penalty of twenty ſhillings every offence; or to ply as a meſſenger or porter, for hire, within ſaid city, ſuburbs or liberties, without ſuch licence, under the penalty of five ſhillings for every ſuch offence; which ſaid reſpective penalties are to be recovered and diſpoſed of, as herein after directed.

ſedans, 5l.

Ringſend cars, &c. 40s.

brewer's dray, &c. 30s.

other carriages 20s

meſſenger or porter 5s.

If without licence, ſeized, by any perſon,

XXVIII. *ſect.* 28. Every hackney coach, landau, chariot, poſt-chaiſe, or berlin, job-coach, &c. and coach, &c. drawn by one or more job horſes, hearſe, mourning coach, or hackney chair or ſedan, job-chair or ſedan, Ringſend car, chair, chaiſe, or chaiſe-marine, and every dray, cart, car, or other carriage, ſubject to a fine for a licence, by this act, and found plying for hire, or employed contrary to the intent and meaning of this act, within ſaid city, ſuburbs, and liberties, without ſuch licence firſt obtained, and every private chair or ſedan in uſe or employment, or keeping, without ſuch licence firſt obtained, and alſo every brewer's dray, cart, car, or other carriage, found in ſaid city, ſuburbs, and liberties, or within three miles, and employed in that buſineſs, without ſuch licence firſt obtained, whereby the owners, keepers, carrier or driver ſhall have incurred any of the penalties aforeſaid, ſhall be ſeized; and it ſhall be lawful for any perſon to ſeize ſuch carriage, chair or ſedan,

and with horſes and harneſs lodged with

and

and the ſame, together with the horſe, horſes, or other beaſt or beaſts drawing, with all the harneſs and accoutrements thereunto belonging, to lodge in the yard of ſaid work-houſe with the treaſurer, or in his abſence, with ſome other known officer of ſaid houſe, or in ſome other convenient place, or the ſame to deliver to any beadle or bellower of any pariſh within the city, ſuburbs, or liberties, or to any conſtable therein, who is hereby required forthwith to lodge the ſame in manner aforeſaid; and the ſaid treaſurer, or in his abſence ſuch other officer of the ſaid houſe is hereby required to detain the ſame, unleſs the ſaid ſeveral penalties for the ſaid reſpective carriages, chairs, or ſedans, ſhall be paid with all coſts and charges attending the ſeizing, or the maintenance of any beaſt or beaſts drawing, until the court of aſſiſtants, or any five or more meet, who are hereby impowered to enquire into ſaid matters, and examine all ſuch perſons as they ſhall think proper, upon oath, which they are hereby impowered to adminiſter; and if it ſhall appear that ſuch carriage, chair, or ſedan, has incurred any of the penalties or forfeitures aforeſaid, the ſaid court of aſſiſtants, or any five, ſhall, by warrant under hands and ſeals, direct the treaſurer or other officer to ſell ſuch carriages and harneſs, and accoutrements, with the horſes or other beaſts ſeized and lodged; or, if the ſaid carriage be not a hackney or job-carriage, but that one or more of the horſes drawing the ſame be a job-horſe or horſes, then to ſell ſuch job-horſe or horſes, with the harneſs, and to ſell any ſuch ſedan; and by ſuch ſale to raiſe ſaid penalties, together with the coſts and charges attending the ſeizing, and the maintenance of any beaſt drawing the ſame, and a ſum of after the rate of one ſhilling in the pound, of every ſuch penalty for his trouble in ſelling, unleſs ſaid penalties, with ſaid coſts and charges fully paid within three days after the date of ſaid warrant.

treaſurer or known officer,

detained 'till payment with coſts,

until aſſiſtants meet,

inquired on oath,

and 1s. per pound,

unleſs paid in 3 days

XXIX. *ſect.* 29. And if any perſon ſhall hinder or obſtruct the ſeizing or conveying to, or loading as aforeſaid, any ſuch carriage and harneſs, accoutrements, or the horſe, horſes, or other beaſt or beaſts drawing the ſame, or any ſuch ſedan; or if ſaid treaſurer, or other officer, after ſuch carriages, horſes, or other beaſts, or ſedan chair ſhall be ſeized, ſhall be obſtructed in the ſale, when authorized, or if any perſon uſe or offer any violence to the perſon concerned in making ſuch ſeizure, or ſale, or reſcue, or attempt to reſcue, any ſuch ſeizure, every ſuch perſon ſhall, upon conviction before any juſtice for ſaid city, upon the oath of one credible perſon, (which oath ſuch juſtice is hereby impowered to adminiſter) forfeit for every ſuch offence five pounds; and for non-payment be committed to gaol, and there impriſoned three months and no longer.

Obſtructing ſeizure, or ſale,

reſcue or attempt,

on one witneſs before a juſtice,

5l. or impriſoned 3 months.

XXX. *ſect.* 30. Upon complaint made, and it appearing to the lord mayor, the ſheriffs of the city of Dublin, or any juſtice of the city or county, (who ſhall examine on oath the perſons ſo complaining, if he thinks proper) that any hindrance or obſtruction has been, or any violence uſed as aforeſaid, or reſcue intended or attempted, the ſaid lord mayor, &c. are hereby not only impowered, but required immediately to give the fulleſt aſſiſtance of the civil power, which by law they are hereby enabled to do on any occaſion whatſoever, to the end that ſuch carriages, horſes, or other beaſts, or ſedan chair, may be ſeized, lodged, and ſold, as hereby is particularly and reſpectively directed.

On complaint, lord mayor, ſheriffs, or juſtice immediately to aſſiſt with the civil power.

XXXI. *ſect.* 31. If ſaid governors, or any eleven, or the court of aſſiſtants, or any five, ſhall at any time be informed, or have reaſon to believe, that any carriage, chair, or ſedan has plyed, or been drawn, carried, uſed, kept, or employed within the ſaid city, ſuburbs, or liberties, without licence, contrary

11 governors or 5 aſſiſtants may on ſuſpicion ſummon and inquire,

to

to the intent and meaning of this act, it ſhall be lawful to ſummon all perſons whom they ſhall ſuſpect to be guilty of any of ſaid offences, and to enquire thereunto in manner aforeſaid; and in caſe ſuch perſons ſhall not appear upon the day appointed, provided the ſaid ſummons left four days before the ſaid day at their uſual place of abode, or they ſhall have been perſonally ſerved therewith, or ſhall be convicted of any of the ſaid offences before the court of aſſiſtants, or any five, then by warrant under hands and ſeals, to commit ſuch perſon to bridewell, or any other place they ſhall think proper, there to be kept to hard labour until he, ſhe, or they ſhall pay the penalty incurred by this act, and ſhall alſo pay to the perſon or perſons informing of ſaid offence, forty ſhillings, over and above ſaid penalties.

not appearing on ſervice of ſummons 4 days or perſonal, or on conviction, committed to bridewell, &c. 'till penalty paid, and 40s. to informer.

XXXII. *ſect.* 32. Every perſon who ſhall ply as a meſſenger or porter for hire within ſaid city, ſuburbs, or liberties, without ſuch licence, ſhall and may be ſeized, apprehended, committed, and puniſhed, in the ſame manner as hereby enacted in reſpect to idle or ſtrolling vagabonds or beggars.

Meſſengers or porters without licence puniſhed as vagabonds.

XXXIII. *ſect.* 33. Every carriage and ſedan chair, for which a licence is by this act to be obtained, ſhall have a mark of diſtinction, expreſſing the number of ſuch carriage, affixed thereunto, in whatever manner ſaid governors, or any eleven, or court of aſſiſtants, or any five ſhall think proper; ſo that ſuch mark of diſtinction on all hackney carriages or ſedan chairs for the publick uſe ſhall be moſt conſpicuous; and that ſuch mark of diſtinction on all job or other carriages, or ſedan chairs for the uſe of particular private perſons, ſhall be put on in a more private and leſs conſpicuous manner; and every hackney coach, landau, poſt-chaiſe, chariot, and berlin, or ſtage coach, for which a licence is by this act to be obtained, ſhall conſtantly, and at all times, beſides the mark or number aforeſaid, have painted on the pannel of each door, and on the front and rere pannel, and every Ringſend car, chair, chaiſe, or chaiſe-marine, on the rere pannel where arms or cyphers are uſually painted, the chriſtian and ſir-name of the real owner or keeper thereof, at full length, together with the place of his abode, in plain, large, and legible letters; and ſhall alſo on each of the ſide pannels where creſts are uſually painted have painted in plain, legible figures, the number contained in the mark aforeſaid; and every perſon who ſhall blot out, deface, change, or take off the ſaid mark of diſtinction or figure on the ſaid painting, or any of ſaid letters, names, or figures, or ſhall omit to affix ſuch mark, or to have the pannels painted in manner aforeſaid, or ſhall own, keep, drive, or employ any carriage, chair, or chaiſe, or ſedan, without ſuch mark, and without ſuch painting on the pannels, where by this act required, ſhall be conſidered to all intents and purpoſes as having owned, kept, uſed, driven, or employed the ſame without a licence; and be ſubject to the ſeveral penalties, forfeitures, and puniſhments hereby enacted for ſuch offences reſpectively.

Such carriages and chairs numbered,

moſt conſpicuous on hackneys and ſedans for publick uſe,

hackneys or ſtages alſo to paint on the pannels, and Ringſend cars, &c. on the rere pannel real owner's name,

if defaced or omitted, ſubject as if without licence.

XXXIV. *ſect.* 34. Every perſon, required to obtain a licence for plying as a meſſenger or porter for hire, ſhall have a mark affixed to his upper garment over his breaſt, made of braſs, and expreſſing in plain legible characters the number of ſuch licence, formed and to be worn in ſuch manner as ſaid governors, or any eleven, or the court of aſſiſtants, or any five ſhall direct; and for failure thereof either in obliterating, covering, or defacing, or not at all times wearing and expoſing to view ſaid mark in manner aforeſaid, deemed as acting without a licence, and ſubject to every pain and penalty inflicted by this act for ſuch offence.

Meſſenger or porter to have the number marked on the breaſt,

or deemed acting without licence.

XXXV. *ſect.*

XXXV. *ſect.* 35. Every perſon, who ſhall obtain or receive a licence for keeping a hackney coach, carriage, or hackney ſedan chair, for publick uſe, and ſhall not within one month after, keep and maintain in conſequence of ſuch licence, for the uſe and convenience of the publick, and continue ſo to do during the continuance of his or her licence, and thereof be convicted by the oath of one credible witneſs, before the ſaid governors or any eleven, or court of aſſiſtants, or any five (which oath they are hereby impowered to adminiſter) ſhall forfeit five pounds for every ſuch neglect; to be recovered by diſtreſs and ſale of the offenders goods, by warrant under hands and ſeals, and to be diſpoſed of in manner herein after directed.

Not keeping and continuing hackneys after and during licence,

penalty 5l.

XXXVI. *ſect.* 36. In caſe any perſon ſo offending ſhall ſurrender his licence to the ſaid governors, ſaid fine or penalty not levied.

Unleſs licence ſurrendered.

XXXVII. *ſect.* 37. No perſon or perſons ſhall have at any one time in name, or in the name of any other in truſt for them, more than two ſuch licenſed hackney or job-chairs, or ſedan; and in caſe ſaid governors, or any eleven, or court of aſſiſtants, or any five, ſhall be informed or have reaſon to ſuſpect, that any have therein offended, they may ſummon ſuch perſons to appear before them at the time and place in ſuch ſummons mentioned; and in caſe ſuch perſons after ſuch ſummons, ſo as the ſame be ſerved perſonally, or at place of abode twenty four hours before the time appointed, ſhall neglect to appear, without ſome reaſonable cauſe, or if after appearance it ſhall be found by confeſſion or oath of one or more credible witneſſes, or other due proof, that ſuch perſons have ſo offended (which oath ſaid governors, or any eleven, or court of aſſiſtants, or any five, have hereby power to adminiſter) every perſon ſo offending, ſhall forfeit all the licences for chairs or ſedans granted to them by this act, or which he, ſhe, or they ſhall be intitled unto by deviſe, aſſignment, or otherwiſe; and ſuch licences are hereby declared null and void to all intents and purpoſes.

None to have more than two hackney chairs, ſummoned on ſuſpicion,

not appearing on 24 hours ſervice,

unleſs cauſe,

or on confeſſion or proof,

all licences forfeited.

XXXVIII. *ſect.* 38. And for recovery of the rent reſerved upon ſaid licences, in caſe the ſame or any part, ſhall be in arrear twenty one days after any of the days appointed for payment, ſaid governors, or any eleven, or court of aſſiſtants, or any five, may raiſe and levy the ſame by diſtreſs and ſale of the goods and chattels of the owner, proprietor, or grantee, or aſſignee of ſuch licence, by warrant under hands and ſeals; and in caſe the ſame ſhall be unpaid by thirty one days, may commit the owner, &c. to gaol, or any other place, there to be detained and confined until the ſame, and all coſts attending the nonpayment, be fully paid and ſatisfied; and in caſe the ſame ſhall be unpaid forty one days, then the ſaid licence or licences ſhall be forfeited, and become null and void; and before a new licence can or ſhall be granted to ſuch perſon ſo neglecting, he, ſhe, or they ſhall pay not only all arrears of rent due at the time of forfeiting ſuch licence, but alſo pay for ſuch new licence or licences one fourth more than was paid for the licence or licences ſo forfeited.

Rent in arrear 21 days levied by diſtreſs and ſale,

if 31 days confined 'till payment with coſts,

if 41 days, licence forfeited,

before new licence all arrears paid and 1 fourth more than former.

XXXIX. *ſect.* 39. Nothing herein contained ſhall prevent ſaid governors from proceeding againſt the owner or proprietors of any carriages forfeiting his licence for recovery of all arrears of rent, by the remedies herein before mentioned, or otherwiſe; and may, if they think proper, refuſe to grant a new licence or licences to any perſon, who ſhall have forfeited any licence granted by this act.

Governors may proceed to recover arrears,

and refuſe new licence.

XL. *ſect.*

21 governors may after 5 years increaſe fines and rents,

XL. *ſect.* 40. It ſhall be lawful for ſaid governors, or any twenty one, in caſe they ſee occaſion, from time to time, and at any time after five years, from the 24th June 1772, to alter and increaſe the fines to be paid, or the rents to be reſerved upon the licences to be thereafter granted, provided the ſame be not increaſed above one fourth part more than the fines and rents herein before particularly mentioned and expreſſed, and to make ſuch rules, orders, and regulations for that purpoſe, as to them ſhall ſeem meet, and to alter, vary, amend or annul the ſame.

ſo as not above 1 fourth,

and alter or annul.

Approved by lord chancellor and chief judges.

XLI. *ſect.* 41. Every ſuch alteration, variation, rule, order, regulation, amendment or repeal, approved of by the lord chancellor or lords commiſſioners of great ſeal, and the chief judges, or any three.

The city divided into wards for aſcertaining fares,

XLII. *ſect.* 42. The city of Dublin and ſuburbs, and liberties thereof, for the purpoſe of directing and aſcertaining the rates and fares to be taken by ſuch carriages, chairs, or ſedans, and for no other purpoſe whatſoever, divided in manner following; ſo much thereof, as is contained within the following bounds or circuit, drawn from the Old Bridge up Church-ſtreet as far as Channel-row, now called Brunſwick-ſtreet, ſo weſterly round Stoney-batter, Arbor-hill, the barracks, as far as the publick lamps go to the river Liffey, and along that river to the ſaid Old-bridge, be one diviſion, and called The

the Barrack Quarter,

Barrack Quarter; and ſo much as is contained within the following bounds or circuit, drawn from the Old-Bridge, through Bridge-ſtreet, New-row, part of Thomas-ſtreet, Francis-ſtreet, through New-row on the Poddle, through Mill-ſtreet, and ſo round north-weſt as far as the publick lamps go to the river Liffey, and along that river to the Old-bridge, be one other diviſion,

Work-houſe Quarter,

and called The Work-houſe Quarter; and ſo much, as is contained within the following bounds or circuit, drawn from the river Liffey up lower, and middle Liffey-ſtreet, through Denmark-ſtreet, formerly called upper Liffey-ſtreet, into Great-Britain-ſtreet, through Rider's-row to Dorſet-ſtreet, taking in Henrietta-ſtreet, and along Dorſet-ſtreet, and down eaſterly as far as the publick lamps go, to the river Liffey, be one other diviſion,

Rotunda Quarter,

and called The Rotunda Quarter; and ſo much, as is contained within the following bounds or circuit, drawn from the river Liffey oppoſite Angleſea-ſtreet, through Angleſea-ſtreet, acroſs College-green, through Trinity-lane, Hog-hill, now called St. Andrew's-ſtreet, William-ſtreet, adjoining Mercer's-hoſpital, through Love-lane, now called Mercer's-ſtreet, acroſs York-ſtreet into little Cuff-ſtreet, through part of big Cuffe-ſtreet into Kevan's-port, and as far as the publick lamps go along Kevan's-port, Milltown road, Northumberland-ſtreet, and the further end of Merrion-ſquare to the river Liffey, and

Stephen's green Quarter,

along that river to Angleſea-ſtreet, be one other diviſion, and called Stephen's-green Quarter; and ſo much as is contained within the following bounds, the Work-houſe Quarter on the weſt ſide, the river Liffey the northward ſide Stephen's-green Quarter on the eaſt ſide, and the extremities of the publick

Caſtle Quarter,

lamps on the ſouth ſide, be one other diviſion, and called The Caſtle Quarter; and ſo much as is contained within the following bounds, the Rotunda Quarter on the eaſt or north-eaſt ſide, the Barrack Quarter on the weſt ſide, the river Liffey on the ſouth-ſide, the extremities of the publick lamps on the

Middle Quarter, fares and rates within the city or 7 miles,

north and north weſt ſide be one other diviſion, and called the Middle Quarter; and after the 24th June, 1772, inſtead of the fares and rates now appointed to be taken, there may be demanded, and ſhall be paid, ſuch fares and

rates

rates for a ſet-down by any ſedan chair within the ſaid city, ſuburbs, and liberties; and for a ſet-down by any coach, landau, chariot, poſt-chaiſe, berlin, Ringſend car, chaiſe, or chaiſe-marine, within the ſaid city, ſuburbs, or liberties, or within ſeven miles of the ſame, as ſhall be ſettled, ordained, and regulated by ſaid governors, or any twenty one, which they are hereby impowered and required to do, ſettle, and regulate, as ſoon as they conveniently can after the 24th of June, 1772; provided that ſuch rates ſhall not exceed one third more than what are now allowed by law, for a ſet-down from any place within any one quarter, to any place within the ſame quarter, by a ſedan chair at any time between ſix in the morning and twelve at night, the ſum of ſix pence halfpenny, and between twelve at night and ſix in the morning, thirteen pence; and by a hackney coach or landau, holding with convenience four perſons, at any time between ſix in the morning, and twelve at night, ten pence, and at any time between twelve at night and ſix in the morning, fifteen pence; and for a ſet-down from any place within any of the ſaid quarters, to any other place not within the ſame quarter, by ſuch ſedan chair, coach, or landau any time between ſix in the morning and twelve at night, thirteen pence, and at any time between twelve at night and ſix in the morning, one ſhilling and ſix pence.

miles ſettled by governors,

not to exceed one third more than now allowed,

rates for a ſet-down, within one quarter,

not within the ſame.

XLIII. *ſect.* 43. Every owner, keeper, or driver of any ſuch landau or coach, or coach holding with convenience four perſons, may demand, and ſhall be paid for the hire within ſaid city or liberties, or within ſeven miles, for twelve hours, between ſix in the morning and twelve at night ten ſhillings; and by the hour eighteen pence the firſt hour, and ten pence every hour after; and eighteen pence every hour between twelve at night and ſix in the morning: and the owners, keepers, or carriers of every ſuch ſedan chair may demand, and ſhall be paid for the hire, for twelve hours, between ſix in the morning, and twelve at night, four ſhillings and four pence; and by the hour thirteen pence the firſt hour, and nine pence every hour after between the ſaid times; and eighteen pence the firſt hour, and thirteen pence every hour after, between twelve at night and ſix in the morning: and for every chariot, poſt-chaiſe, or berlin, not holding with convenience four perſons, only three fourths of the rates and fares above enacted for coaches and landaus, ſhall or may be demanded or taken: it ſhall be lawful for ſaid governors, or any twenty, to ſettle, regulate, and ordain the ſeveral fares to be demanded or taken, and weights to be carried by every car, cart, dray, or other carriage carrying for hire any load taken up within the ſaid city, ſuburbs, or liberties to any place within the ſame, or within four miles thereof, and the owners, keepers, or drivers of any Ringſend car, chaiſe, or chaiſe-marine, may demand, and ſhall be paid for hire for twelve hours between ſix in the morning and twelve at night, four ſhillings and four pence; and by the hour ten pence the firſt hour, and five pence every hour after.

Rates of coaches 12 hours,

by the hour,

of ſedans 12 hours,

by the hour,

chariots, &c. only 3 fourths,

of carriages of loads for hire,

Ringſend cars, &c.

XLIV. *ſect.* 44. Every rule, order, regulation, or bye-law ſo made by ſaid governors or any twenty one, for ſettling or regulating ſaid rates or fares, firſt approved of by the lord chancellor, or lords commiſſioners of the great ſeal, and the chief judges, or any three of them; and ſaid governors or any twenty one, ſhall have full power and authority from time to time, and at all times for ever, from and after the 24th day of June, 1782, to alter, vary, encreaſe, or raiſe the ſeveral fares and rates herein before enacted, or by them from time to time ſettled, ſo as that every ſuch alteration be firſt approved of in manner aforeſaid, before it can be valid or take place.

Approved by lord chancellor and chief judges,

21 governors after 24 June 1782, may alter or increaſe farer,

firſt approved of.

Cars carrying perſons for hire, to take out licence and conſidered as Kingſend cars, except as to the mark,

XLV. *ſect.* 45. Every low-back car, or other carriage drawn by one horſe or other beaſt, that ſhall carry for hire any perſon within ſaid city, ſuburbs, and liberties, or ſeven miles, ſhall take out the ſame licence with and be conſidered to all intents and purpoſes as a Ringſend car, chaiſe, or chaiſe-marine, and the owner, driver, or keeper, ſubject to every order, proviſoe, regulation, penalty, and forfeiture, ordained or eſtabliſhed by this act, or to be by virtue thereof, in reſpect of any Ringſend car, chaiſe, or chaiſe-marine, and the owner, driver, or keeper thereof, except as to what regard the name and abode of the owner, and the number of his mark being painted thereon; and if the owner, keeper, driver, or carriers of any of the ſaid carriages or ſedan chair, ſhall exact more for his hire than the ſeveral rates hereby limited, or hereafter to be limited by virtue of this act, or leave their fare without permiſſion, the owner or proprietor of any ſuch carriage or ſedan, or the grantee or aſſignee of the licence obtained for the ſame, ſhall for every ſuch offence forfeit not leſs than twenty ſhillings, and not exceeding forty ſhillings, recovered before ſaid governors, or any eleven, or court of aſſiſtants, or any five, on proof thereof upon oath of any one credible witneſs, and levied, in caſe not inſtantly paid, by diſtreſs and ſale of goods and chattles of the proprietor or owner of every ſuch carriage, by warrant under hands and ſeals of ſaid governors, or any eleven, or court of aſſiſtants, or any five, together with one ſhilling in the pound to the perſon levying for his trouble, and to be diſpoſed of in manner herein after directed; and the driver or carrier of any ſuch carriage or ſedan, not being the owner, who ſhall exact or demand more, or leave his fare without permiſſion, ſhall for every ſuch offence forfeit the ſum of ten ſhillings; levied as aforeſaid, and for the uſe herein after mentioned, or be publickly whipped through the ſtreets, at the diſcretion of ſaid governors, or any eleven, or court of aſſiſtants, or any five.

exacting more, or leaving fare, owner forfeits not leſs than 20s. nor above 40s.

and 1s. per pound,

10s. by driver or carrier, or whipped.

Rules and bye-laws by 11 governors,

XLVI. *ſect.* 46. For better regulating and preſerving decency and order amongſt the owners, drivers, keepers, and carriers of any of ſaid carriages, ſedans, and other perſons ſo licenſed, and preventing diſturbances, ſtoppages, and other inconveniencies in the ſtreets and places where ſuch carriages and ſedans ſhall ſtand, be driven, or carried, and puniſhing the owners, keepers, driver or carrier of any ſuch carriage or ſedan for publick uſe, who ſhall refuſe to go for hire when not actually employed and paid for waiting, and puniſhing any rudeneſs, inſult, or miſbehaviour in every ſuch coachman, chairman, driver, or carrier, it ſhall be lawful for ſaid governors, eleven at leaſt preſent, to make ſuch rules, orders, and bye-laws to bind all the perſons, who ſhall own, keep, drive, or carry any ſuch of the carriages and ſedans ſo licenſed, or who ſhall obtain any licence under this act, and annex ſuch reaſonable penalties and forfeitures, not exceeding forty ſhillings, for the breach of any one ſuch bye-law, or to make void and ſuſpend the licence or licences of every ſuch offender, or ſubject the driver or carrier to corporal puniſhment, by ſending them to the houſe of correction, there whipped and kept to hard labour for any time not leſs than three days, and not exceeding ten, or by cauſing to be publickly whipped through the ſtreets of the city of Dublin; ſo as ſuch rules, orders, regulations, and bye-laws be approved of by the lord chancellor, or lords commiſſioners of the great ſeal, and the three chief judges for the time being, or any three; and after ſuch approbation ſhall be printed and poſted up on the tholſel, and the foundling-hoſpital and work-houſe, and ſuch other places as ſaid governors ſhall appoint; and the court of aſſiſtants, or any five, ſhall have full power and authority to enquire into the breach of every rule or bye-law, order,

penalties not above 40s. ſuſpend licences.

or

or regulation, and to correct the ſame, by ſuch ways as they ſhall think proper, if not particularly pointed out by this act, or by the ſaid rules and bye-laws.

XLVII. *ſect.* 47. If any perſon refuſe or neglect to pay any owner, keeper, driver, or carrier of any ſuch licenſed carriage or ſedan his juſt and lawful hire, or wilfully cut, deface, or break any ſuch, it ſhall be lawful for ſaid court of aſſiſtants, or any five, upon complaint, to grant a ſummons, requiring ſuch perſons to appear at a certain time and place, to anſwer ſuch complaint; and upon proof of perſonal ſervice, at leaſt twenty-four hours, then to hear, conſider, and examine into the matter of ſaid complaint, and to award reaſonable ſatisfaction to the parties grieved, for damage and coſts; and upon refuſal to pay or make ſatisfaction, to grant a warrant under hands and ſeals for levying by diſtreſs and immediate ſale of the goods and chattles of the party, againſt whom ſuch complaint made.

Not paying hire, defacing or breaking carriage, ſummons by aſſiſtants.

XLVIII. *ſect.* 48. And whereas a number of hackney-coaches, chaiſes, drays, carts, and cars have been licenſed under one or more of the acts hereby to be repealed, and the owners of ſaid carts and cars did duly pay the fines on being licenſed, but the poverty of the owners of hackney coaches, and hackney chaiſes, obliged the governors to take bonds for the fines payable on a certain day from the perſons applying for licence, leſt the public might be deprived of the convenience of ſuch carriages; and whereas the obliging ſuch perſons to take out new licenſes and pay new fines in conſequence of this act would be unjuſt; therefore, every licence ſo granted and not yet expired, ſhall be deemed as good and effectual, for the term in ſaid licence contained, as if ſaid acts were to continue in full force.

Licences to hackney coaches & chairs granted on bonds for the fines effectual for the term therein, as if ſaid acts in force.

XLIX. *ſect.* 49. Every ſuch licence, and perſons who poſſeſs or ſhall poſſeſs the ſame, ſhall be ſubject to all the rules, orders, regulations, penalties, proviſoes, remedies, and conditions in this act contained, for or reſpecting any licence by virtue of this act; and alſo the fines *bona fide* paid, or the bonds for the ſame diſcharged on the days on which payable, and every covenant and agreement in ſaid licences, fully performed and kept; but if ſaid bonds not diſcharged on the days on which payable, or ſaid covenants and agreements not performed, then ſaid licences ſhall be forfeited, and ſaid governors ſhall ſue for, and are hereby enabled to recover the ſeveral ſums for which theſe bonds were given, with all coſts and charges; and alſo all arrears of rent due for ſuch licences; and if any licences ſhall be granted to ſuch perſons, they muſt pay for the ſame ſuch additional fines as by this act directed, in caſe of a new licence after forfeiture of the old one.

Subject to like regulations; fines paid, bonds diſcharged, and covenants performed; if not, licences forfeited, bonds ſued, and arrears: and additional fine as for new licence.

L. *ſect.* 50. Any perſon, who has received any ſuch licence by transfer, alienation, or deviſe, and performed all the requiſites, by ſaid acts or any of them made neceſſary for the confirmation, and ſhall enter the ſame with the regiſter before the fourteenth day of July, 1772, in manner preſcribed by this act, and fulfil all the rules, orders, and regulations herein contained, ſhall not be ſubject to penalties or forfeitures, preſcribed by this act to be inflicted on perſons receiving ſuch licence without conſent of the governors, or neglecting to enter the ſame within a certain time.

Licences received by transfer or deviſe, requiſites performed and regiſtered before 14 July 1772, &c. not ſubject to penalty.

LI. *ſect.* 51. There ſhall be charged upon and paid unto ſaid governors and ſucceſſors, after the 24th of June 1772, for ever thereafter, for all the houſes within the ſeveral pariſhes within the city of Dublin, and liberties of ſaint Sepulchre's, Thomas-court and Donore, and the liberties of Chriſt-church and ſaint Patrick's thereto adjoining, and within the ſuburbs of ſaid city, whether in ſaid county or city, in all ſuch places *extra parochial* within ſaid county and liberties,

Six pence per pound on houſes yearly paid to the governors, as the miniſter's money.

liberties, ſix-pence in the pound yearly, and every year, for every pound of the yearly rent of every ſuch houſe or houſes, as the valuations are returned for the collection of miniſters money in the city, ſuburbs, and liberties; and where no ſuch valuations returned for the collection of miniſters money, or ſuch houſes built in a place *extra parochial*, the ſum of ſix-pence in the pound yearly, according to the rent payable by the tenants in poſſeſſion; and in caſe ſuch rent be only a ground-rent, then according to the rent ſuch houſe might be ſet for to a ſolvent tenant; which ſix pence in the pound ſhall, after the 24th of June, 1772, be veſted in ſaid governors, and ſucceſſors for ever, and ſhall be a charge on the inhabitants of every ſuch houſe or houſes, and payable the 24th of June every year, for the uſe of the ſaid houſe, and maintenance, education, and ſupport of the children received therein, or ſent to nurſe therefrom.

Tenant in poſſeſſion ſummoned to produce his leaſe or minute;

LII. *ſect.* 52. Where ſaid taxes charged according to the rent payable by tenant in poſſeſſion, it ſhall be lawful, in order juſtly to aſcertain the ſame, for ſaid governors, eleven at leaſt preſent, to ſummon ſaid tenant to appear, and to produce the leaſe, minute, or agreement, by virtue whereof he holds ſuch houſe; and in caſe ſuch tenant ſhall neglect or refuſe, twenty-one days next after being duly ſerved, and in all caſes where the rent payable by the tenant in poſſeſſion, is only a ground-rent, ſaid governors may nominate and appoint any four perſons they ſhall think fit, to make and aſcertain a valuation of the rent which ſuch houſe is worth, if to be ſet to a ſolvent tenant; which valuation ſhall be returned by them to ſaid governors, with an affidavit annexed, made before one juſtice for the county of the city, or county of Dublin (which oath ſuch juſtice is hereby impowered to adminiſter) purporting that ſuch valuation was made by them according to the beſt of their ſkill and knowledge, and without partiality or favour to any perſon or perſons concerned or intereſted in ſuch valuation; which valuation, ſo made and returned, ſhall, for the purpoſe of this act only, and for no other, be deemed evidence of the rent ſuch houſe might be ſet for to a ſolvent tenant: and there may be charged yearly, and every year for ever thereafter upon, and paid to ſaid governors, and ſucceſſors, for all the houſes aforeſaid, wherein there ſhall be ſold by retail any brandy, ale, beer, ſtrong waters, or ſpirituous liquors, an additional ſix pence in the pound, according to the ſaid proportion; which ſhall be alſo veſted in ſaid governors and ſucceſſors for ever, and be a charge on ſaid houſes, and on the inhabitants, and payable for the purpoſes aforeſaid; and no money ſhall thereafter be levied by veſtry for the maintenance of foundlings in the city of Dublin and liberties; any law, uſage, or cuſtom to the contrary notwithſtanding.

on refuſal 21 days, or where only ground rent, valued by 4 appointed by 11 governors; valuation returned with affidavit before a juſtice,

evidence of the rent for this purpoſe only,

additional 6d. per l. where beer or ſpirituous liquors retailed,

no levy for foundlings by veſtry in Dublin.

Houſes within 2 miles of the Caſtle valued, and charged.

LIII. *ſect.* 53. After the twenty fourth of June 1772, all ſuch houſes, not within the particular deſcription herein before mentioned and expreſſed, nor comprehended therein, as are or ſhall be built within two miles of the caſtle of the city of Dublin, to be computed from the ſaid caſtle at the rate of two thouſand two hundred and forty yards to the mile, ſhall and may be valued by ſuch methods, and in ſuch manner as is hereby preſcribed and directed in relation to the houſes in ſaid city, ſuburbs, and liberties, where no ſuch valuation has been returned for collection of miniſters money; and the inhabitants of all ſuch houſes, ſhall for ever thereafter be charged with, and pay yearly and every year, ſix pence in the pound of the yearly value of the rents, as returned upon ſuch valuation; which ſhall be raiſed, levied, and collected in like manner, by ſame methods, as the ſaid charge and taxes on the houſes in ſaid city of Dublin and liberties, are by this act to be, and paid to ſaid governors and ſucceſſors for uſes aforeſaid.

LIV. *ſect.*

LIV. *ſect.* 54. Nothing herein contained ſhall be conſtrued to extend to induce any charge on his Majeſty's caſtle of Dublin, or any of his houſes, or the barracks, the royal hoſpital, trinity college, or any hoſpital or alms-houſe. Excepted, the king's houſes, barracks, college, hoſpitals.

LV. *ſect.* 55. Said governors, or any eleven, are hereby impowered to conſtitute and appoint ſuch and ſo many perſons, and with ſuch ſalaries and allowances, not exceeding ſix pence for every twenty ſhillings received, as they ſhall judge neceſſary, to collect and receive for the uſe and benefit of ſaid foundling hoſpital and work-houſe, from the inhabitants of every houſe in the ſeveral pariſhes of ſaid city, and within ſaid city, ſuburbs, liberties of ſaint Sepulchre's, Thomas-Court, and Donore, and of Chriſt-Church, and ſaint Patrick's, and within two miles of the caſtle, the ſaid ſix pence in the pound, according to the reſpective valuations herein before mentioned; and from the inhabitants of every ſuch houſe in which ſold by retail any brandy, ale, beer, ſtrong waters, or ſpirituous liquors, the ſaid additional ſix pence in the pound; which charges in caſe of non payment ſhall be raiſed and levied by ſaid collectors by diſtreſs and ſale of goods of inhabitants, who ſhall at the time of ſuch diſtreſs be in or occupy ſuch houſe, and ſhall be by them reſpectively paid to the governors; and ſaid governors are required to take good ſecurity by bond from each collector, for faithful diſcharge of his office, not leſs than the amount of the ſum he ſhall be appointed to collect. Collectors appointed, ſalaries not above 6d. in the pound, levied by diſtreſs and ſale, bonds from collectors for the ſum.

LVI. *ſect.* 56. No houſe or houſes ſhall be charged or chargeable for, nor any diſtreſs or ſale taken for, more than three years arrear at any one time. Not more than 3 years arrear at one time.

LVII. *ſect.* 57. In all ſuits, actions, and avowries, for, or on account of any of ſaid taxes or charges on houſes by ſaid governors, or perſon authorized to collect, and in all actions or ſuits by any perſon whatſoever againſt ſaid governors, or perſon authorized to collect, in relation to collecting the ſame, the proving the miniſter's money, uſually paid annually for ſuch houſe for three years next before ſuch ſuit, action, or avowry commenced, ſhall be ſufficient evidences for all the purpoſes of this act, of the valuation of the miniſter's money. In ſuits miniſter's money 3 years before evidence.

LVIII. *ſect.* 58. All the rates, taxes, and impoſitions, by this act created, veſted in ſaid governors, to be applied to ſupport of ſaid houſe, and education and maintenance of the children now in the houſe, or ſent to nurſe, and which may hereafter be received or ſent to nurſe, and to ſuch other uſes of ſaid houſe and hoſpital, as are directed by this act: and ſaid governors, or any eleven, or court of aſſiſtants, or any five, are hereby authorized to chooſe and entertain all ſuch maſters or miſtreſſes, as neceſſary to be employed in ſaid houſe for inſtruction of the children, and keeping them at work, and them, or any of them, from time to time to remove, as they ſhall ſee cauſe, and upon the death or removal of any, to chooſe others, and make and give ſuch reaſonable allowance to them, or any of them, out of the revenue hereby granted for the uſe of ſaid houſe, as they ſhall think fit: and in caſe there ſhall at any time be a deficiency in ſaid revenue, ſo as not ſufficient to anſwer neceſſary expences of ſaid houſe, ſaid governors, or any twenty one, may borrow, or raiſe by demiſe or mortgage of any lands, tenements, and hereditaments, and taxes, veſted in or belonging to ſaid corporation, any ſum or ſums not exceeding in the whole four thouſand pounds, as to them ſhall ſeem meet; which when ſo raiſed, ſhall be applied by ſaid governors to pay off and diſcharge any debts, which may be neceſſarily, and *bona fide*, contracted for uſe of ſaid houſe. Taxes veſted in governors for the children and uſes of the houſe; maſters or miſtreſſes choſen, removed, reaſonable allowance out of revenue, borrow by demiſe or mortgage 4000l. applied to neceſſary debts.

LIX. *ſect.* 59. Whenever the number of children occaſion expences exceeding the duties, ſaid governors ſhall cauſe an advertiſement thereof When expence exceed duties, ad-

vertiſed, no children received.

of to be inſerted in Dublin Gazette; and that in a week after, no child ſhall be received till an advertiſement to the contrary.

Governors may compound for arrears.

LX. *ſect.* 60. Said governors, or any eleven may, if they think proper, or from peculiar circumſtances find it neceſſary, compound for any arrears of rent due for carriages and ſedans, incurred before the 24th of June 1772.

Owners, drivers, &c. ſummoned and examined on oath,

LXI. *ſect.* 61. Said governors, or any eleven, or court of aſſiſtants, or any five, have full power and authority at all times to ſummon, and examine upon oath all ſuch owners and drivers of hackney coaches and chaiſes, and chairs, drays, carts, and other carriages, as alſo all owners or carriers of ſedan chairs, which ply for hire, as they think proper, touching any thing in this act, or wherein they have power by this act to examine and enquire; and in caſe any perſon, who ſhall be perſonally ſummoned to appear, provided ſummons ſerved twenty four hours before the time required, neglect to appear, or in caſe a ſummons in writing left at uſual place of abode, and he or ſhe neglect to appear on the day appointed (provided ſuch ſummons ſo left four days before the ſaid day) every perſon ſo neglecting to appear ſhall forfeit five pounds; and a new ſummons ſhall be ſerved, and ſo *toties quoties*, as he ſhall neglect to appear; and for every neglect he or ſhe ſhall forfeit five pounds recovered by diſtreſs and ſale of goods, by warrant under hand and ſeal of ſaid governors, or any eleven, or aſſiſtants, or any five: and in caſe any ſuch perſon appearing ſhall withhold or refuſe to give teſtimony, or upon examination prevaricate or treat with contempt, inſolence, or abuſe, ſaid governors or aſſiſtants, or any of them, they may impoſe a fine not exceeding forty ſhillings on ſuch offenders, or by warrant under hands and ſeals, commit to bridewell, or ſuch other place as they think proper, confined to hard labour, not exceeding three months.

perſonal ſummons on 24 hours, at abode 4 days,

not appearing forfeit 5l. ſo *toties quoties*,

withholding teſtimony, prevaricating, &c. fined 40s or to bridewell 3 months.

All penalties recovered by diſtreſs and ſale on warrant.

LXII. *ſect.* 62. In all caſes where pecuniary penalties or forfeitures inflicted by this act, recovered by diſtreſs and ſale of goods by warrant under hand and ſeal of the perſon or perſons inflicting; and it ſhall be lawful for the perſon, who ſhall execute ſaid diſtreſs and ſale, to deduct thereout, over and above ſaid penalty and the coſts attending the ſame, one ſhilling in the pound for his or their trouble; and the overplus, if any after ſuch deduction, reſtored to owner, and where miles expreſſed in the act, the computation is to be made at the rate of two thouſand two hundred and forty yards to a mile.

1s. per l. to perſon executing,

miles at 2240 yards.

Penalties, where no direction, to informer and treaſurer, where no informer, to treaſurer.

LXIII. *ſect.* 63. In all pecuniary penalties and forfeitures inflicted, the diſpoſal whereof is not particularly directed, one moiety ſhall be to informer, and the other to the treaſurer of ſaid houſe for uſe thereof, in all caſes where there ſhall be an informer; and where not any, the whole ſhall be paid to ſaid treaſurer, for the uſe aforeſaid.

Penalties of perjury on conviction.

LXIV. *ſect.* 64. If any perſon, who ſhall take any oath, or if a quaker, make affirmation in conſequence or by virtue of this act, ſhall forſwear, or be guilty of wilful or corrupt perjury, or falſe affirmation, and be convicted by due courſe of law, they ſhall incur and ſuffer the pains and penalties, by law enacted againſt perſons guilty of wilful and corrupt perjury.

Affirmation if a quaker.

LXV. *ſect.* 65. Where an oath is required or impowered to be adminiſtered by this act, an affirmation ſhall be ſubſtituted if the perſon, to whom it is to be tendered, be a quaker.

General iſſue,

LXVI. *ſect.* 66. Any perſons, at any time ſued or proſecuted for any thing done or executed in purſuance of this act, may plead the general iſſue, and give this act and ſpecial matter in evidence; and if upon a trial a verdict ſhall

paſs

paſs for defendants, or judgment againſt plaintiffs upon demurrer, or plaintiffs nonſuited, diſcontinue, or forbear proſecuting ſaid actions, ſuch defendants ſhall have double coſts againſt ſuch plaintiffs, for which coſts ſuch remedy as in other caſes where coſts by law given to defendants.

and treble coſts on nonſuit, &c.

LXVII. *ſect.* 67. Every rule, order, regulation, and bye-law made by the governors by virtue of any of the acts hereby repealed, and which ſhall be ſubſiſting and in full force on the twenty-third of June 1772, and not incompatible with, or in ſubſtance repealed and annulled by any of the proviſions, regulations, or clauſes in this act, ſhall after twenty fourth of June 1772, be good and valid to all intents and purpoſes, as if ſaid acts, or any of them, had not been repealed; ſubject nevertheleſs to be amended, altered, or made null and void by the governors hereby created, or any twenty one or more.

Former regulations not incompatible with or repealed by this act, valid, ſubject to be altered by 21 governors.

LXVIII. *ſect.* 68. No governor, or any perſon any way intruſted in the management or ordering of ſaid hoſpital, ſhall be contracted with or otherwiſe employed to ſupply the foundling hoſpital or work-houſe with any neceſſary or material whatſoever; and in caſe any governors ſhall be convicted thereof before any two juſtices of ſaid county or city of Dublin, upon oath of one or more witneſſes or on confeſſion, ſuch governor's place hereby declared vacant, as if dead, and a new governor ſhall be elected, and ſuch perſon ſhall for ever be incapable of being a governor of ſaid houſe.

No governor or perſon intruſted ſhall contract or ſupply neceſſaries, or incapable, his place vacant, and a new one elected.

LXIX. *ſect.* 69. It ſhall be lawful for the lord mayor of ſaid city, by warrant under his hand and ſeal, to appoint any one of the aldermen to officiate as a *locum tenens* in his place during his illneſs or neceſſary abſence; and for the perſon ſo appointed *locum tenens*, to exerciſe every power which ſaid lord mayor has or may have by charter, uſage, or any of the laws in being, during the time of the illneſs or neceſſary abſence of ſaid lord mayor.

Lord mayor may appoint any alderman *locum tenens*, during illneſs or neceſſary abſence.

LXX. *ſect.* 70. If the lord mayor happen to die during his mayoralty, the aldermen or uſual quorum of them, may aſſemble together at the Tholſel within two days after, and elect one of the aldermen of ſaid city as a *locum tenens* in place of the ſaid lord mayor, which perſon, ſo elected a *locum tenens*, ſhall have all the powers before veſted in ſaid lord mayor, and be capable of preſiding at, and iſſuing ſummonſes to the ſeveral members of the ſaid corporation for an election of a lord mayor, in place of the lord mayor who ſhall happen to die as aforeſaid; and ſuch election, where he ſhall preſide, ſhall be conſidered as valid to all intents and purpoſes, as if made by the lord mayor and aldermen, according to the forms heretofore preſcribed by law to be obſerved at the uſual time of electing a lord mayor.

Or, on death of lord mayor, the aldermen or *quorum* in 2 days at the Tholſel; *locum tenens* veſted with like powers, to ſummon for the election.

LXXI. *ſect.* 71. Provided always, that the ſaid perſon ſo elected a *locum tenens* upon the death of a lord mayor, ſhall proceed to an election in the place of the lord mayor, who ſhall happen to die, within fourteen days after the death; and in failure of the ſaid perſon, ſo elected a *locum tenens*, proceeding to an election within the time, his power and authority ſhall immediately ceaſe and determine, and the aldermen and commons may elect a lord mayor without his preſence or concurrence, and iſſue ſummonſes in name of the town clerk or town clerks, for holding ſuch election.

To proceed to election in 14 days after the death, or his powers to ceaſe, and aldermen and commons may elect and ſummon in town clerk's name.

LXXII. *ſect.* 72. The preſident of the court of conſcience for the time being, by warrant under hand and ſeal, may appoint any one of the aldermen to officiate in his place during the illneſs or neceſſary abſence of ſaid preſident; and it ſhall be lawful for the perſon ſo appointed to exerciſe every power, which the ſaid preſident has or may have by charter, uſage, or any of the laws in being, during his illneſs or neceſſary abſence.

Preſident of court of conſcience may appoint any alderman to officiate during illneſs or abſence, with like powers.

LXXIII. *ſect.*

Dublin, Work-houſe.

A publick act.

LXXIII. *ſect.* 73. This act, and all and every clauſe and clauſes therein, and every part, ſhall be deemed and taken notice of in all courts of law and equity in this kingdom, and deemed a publick act.

Duncannon Fort.

Maintenance of the fort.

I. *Stat.* 10 *Will.* 3. *cap.* 15. By a clauſe in the act for the better execution of his Majeſty's gracious declaration for the ſettlement of Ireland, &c. the commiſſioners in the ſaid act were to ſet out ſo much forfeited lands as amounted to 300*l. per annum*, moſt contiguous to the fort of Duncannon, for the better maintenance of the ſaid fort.

Lands veſted in as before.

(2) And the commiſſioners in purſuance thereof, ſetting out ſeveral lands for that purpoſe, his late Majeſty, *Car.* 2. by letters patent granted the ſame to Richard earl of Arran, and other four truſtees, and the heirs of the ſurvivors of them, in truſt for the uſes aforeſaid; and the ſaid earl of Arran, ſurviving all the other patentees, became ſeized of the ſaid lands by ſurvivorſhip to the uſes aforeſaid, after whoſe deceaſe the ſame deſcending upon lady Charlotte Butler his only daughter and heireſs, the ſaid lands, and all the eſtate and right in and to the ſame, which deſcended to the ſaid lady Charlotte Butler, are veſted in Philip Savage, eſq; Thomas Brodrick, eſq; colonel William Ponſonby, ſir John Maſon, and Allan Broderick, their heirs and aſſigns, in the ſame manner to all intents, as the ſame, before the paſſing this act, were in the ſaid lady Charlotte Butler.

For the former uſes.

(3) And that they, their heirs, and aſſigns, ſhall be ſeized thereof, to the ſame truſts, as ſhe ſtood ſeized thereof after the deceaſe of her father, and to no other uſe or truſt.—The poſſeſſion, eſtate and right whatſoever, either in law or equity of all others, is ſaved by this act.

Dungarvan.

Veſted in the king, &c.

I. *Stat.* 34 *Hen.* 8. *ſeſſ.* 2. *cap.* 1. The caſtle, manor, and lordſhip of Dungarvan, with all its rights, is granted to the King, his heirs, and ſucceſſors, Kings of England, as united to his and their crown for ever.

Duties.

From 25 Dec. 1781 to 25 Dec. 1783.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 1. To enable your Majeſty to carry into execution your intentions and determined reſolution, to keep within this kingdom for neceſſary defence, twelve thouſand effective men, commiſſion and non commiſſion officers included, at all times, unleſs in caſes of invaſion or rebellion in Great Britain, and to defray the other neceſſary expence of government: from the twenty fifth of December one thouſand ſeven hundred and eighty one, until the twenty fifth of December one thouſand ſeven hundred and eighty three incluſively, and no longer, there ſhall be granted, raiſed, collected, levied, and paid to your Majeſty, your heirs and ſucceſſors, the ſeveral rates, additional and other duties and impoſitions after mentioned; for and upon every thirty two gallons of beer or ale brewed within this kingdom by any common brewer, or in his veſſels, or by any other who doth or ſhall ſell or

beer or ale above 6*s.* a barrel 2*s.* 32 gallons,

tap

tap out beer or ale publickly or privately, every ſuch gallon to contain two hundred and ſeventy two cubical inches, and one fourth of a cubical inch, an additional duty of two ſhillings, if above ſix ſhillings the barrel; and of four pence if of ſix ſhillings the barrel, or under, to be paid by the common brewer, or ſuch other perſons, who brew, ſell or tap out the ſame, and ſo proportionably for any greater or leſs quantities; for and upon all teas imported during the time aforeſaid, a duty of ſix pence for every pound of green, and four pence every pound of black bohea or other tea, in lieu and full ſatisfaction of all cuſtoms and exciſe, and if the ſame ſhall have been purchaſed at the Eaſt India company's ſales of prize teas, condemned for an higher price than four ſhillings Britiſh per pound, then a further additional duty after the rate of one penny per pound weight, for every ſix pence Britiſh that ſhall be paid for the ſame over and above four ſhillings Britiſh, at any of the ſales above mentioned; the price of ſaid teas, if purchaſed at Eaſt India company's ſales, to be inſerted in the cockets, and further aſcertained by reference to the ſale books of the company, copies whereof, or of ſuch parts as ſhall relate to the teas ſo imported, atteſted by the principal accountant or deputy of the company, the commiſſioners of the revenue are required to procure from time to time for the purpoſes above mentioned, and ſhall be admitted as evidence in all proſecutions upon this act; and if the ſaid teas be ſold upon condemnation as prize teas, their price to be aſcertained by the certificate, cockets, or other documents, expreſſing the price or value at which ſold, by the captor or agent, on condemnation; for and upon all wines, imported, the ſeveral duties in the ſchedule [No. 1.] hereunto annexed, as the ſame ſhall be imported, filled or unfilled, by natives or ſtrangers reſpectively, for every ton thereof, and ſo in proportion for any greater or leſs quantity; the ſaid duties to be paid down in ready money net, without any diſcount or allowance, and to be in lieu and full ſatiſfaction of all cuſtom, exciſe, and other duties for the ſame, by any act or acts heretofore; and for and upon all wines imported by any perſon, being a retailer or conſumer, an additional duty after the rate of ten pounds *per centum* upon the duties ſo as aforeſaid payable on the import of ſuch wines reſpectively, over and above the full amount of ſaid duties, the ſaid additional duty to be paid down in ready money net without diſcount or allowance; an additional duty of ſix pence per yard for and upon all chintzes, callicoes, and muſlins of the manufacture of China, Perſia, and the Eaſt Indies, imported, and a further additional duty of ſix pence for every yard of muſlin imported; an additional duty of one ſhilling and ſix pence for every yard of all ſorts of ſilks and ſtuffs made or manufactured in China, Perſia, or Eaſt Indies imported; an additional duty of four pounds ſterling per pound weight for and upon all velvets or manufactures made of or mixed with ſilk except thoſe of Great Britain, China, Perſia, and Eaſt Indies, imported; an additional duty of three pence for and upon every pound weight of coffee, chocolate, and cocoa nuts imported; a further additional duty of two pence per pound upon all coffee imported; additional twenty ſhillings ſterling on every hundred weight of molaſſes; additional twenty ſhillings on every hundred weight of treacle; additional ſix pence per yard upon all foreign ſtuffs called romals, and all manufactures made of cotton, or of cotton and linen mixed, as well muſlins as others, whether plain, painted or ſtained, imported from any part beyond ſeas, (except of manufacture of Great Britain); additional ſix pence per yard on all damaſk towelling or napkins made of flax or hemp imported from foreign parts, or from any other place than Great Britain, at or under a yard wide, and of one ſhilling *per* yard

of 6s. or under 4d.

teas, 6d. per lb. green 4d.

1d. per lb. every 6d. Britiſh above 5s. at company's ſale,

atteſted copies of the books evidence,

for wine duties in ſchedule 1.

imported by retailer or conſumer additional 10l. per cent.

chintzes, callicoes, muſlins of China, &c.

ſilks and ſtuffs of China, &c.

4l. per lb. on velvets or ſilks except of Great Britain, China, &c.

coffee, chocolate, and cocoa 3d. per lb.

additional 2d. on coffee, molaſſes, treacle 20s. per ct.

6d. per yard on romals and cottons, except Britiſh,

6d. per yard damaſk towelling ſave from Great Britain.

yard on all ſuch goods from ſix to eight quarters wide, and of two ſhillings *per* yard from eleven to twelve quarters; additional one penny halfpenny *per* pound weight upon all hops imported from Great Britain; additional duty of thirty ſhillings upon every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which any perſon ſhall keep in poſſeſſion, being in number not more than one, and of forty ſhillings for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, exceeding that number; and alſo an additional duty of ten ſhillings on all chaiſes with two wheels only, which any perſon or perſons ſhall keep in his, her, or their poſſeſſion, at any time between the twenty-fifth of December one thouſand ſeven hundred and eighty one, and twenty-fifth of December one thouſand ſeven hundred and eighty-two inclusive, and the like ſums reſpectively for every ſuch carriage whether with four or two wheels, which any perſon or perſons ſhall keep in his, her, or their poſſeſſion between the twenty-fifth of December one thouſand ſeven hundred and eighty-two, and the twenty-fifth of December one thouſand ſeven hundred and eighty-three: provided always that nothing in this act ſhall extend, or be conſtrued to extend, to charge any ſtage-coach, or hackney-coach, or chaiſe, or any coach, chaiſe, or other carriage kept by maker for ſale, or any cabriolet or garden chair; additional duty of one ſhilling *per* hundred weight ſor and upon all flour, meal, bread, and biſcuit, except the produce and manufacture of Great Britain, imported between the twenty-fifth of December one thouſand ſeven hundred and eighty one and twenty-fifth of December one thouſand ſeven hundred and eighty-three inclusive; additional duty of two ſhillings *per* barrel upon all wheat, except of produce of Great Britain, imported during time aforeſaid, unleſs the middle price of wheat at the port where imported, ſhall exceed twenty-three ſhillings Engliſh *per* barrel at time of ſuch importation, the ſaid price to be aſcertained, as directed by an act in nineteenth and twentieth years of his preſent Majeſty, *for better regulating the corn trade of this kingdom*; additional five pounds ſix ſhillings *per* ton upon all ſorts of vinegar imported; a duty of ten ſhillings to be paid by every perſon that doth or ſhall ſell or tap out by retail any cyder between the twenty-fifth of December one thouſand ſeven hundred and eighty one, and twenty-fifth December one thouſand ſeven hundred and eighty-two inclusive; and of ten ſhillings by every perſon that doth or ſhall ſell or tap out by retail any cyder between twenty-fifth of December one thouſand ſeven hundred and eighty-two, and twenty-fifth of December one thouſand ſeven hundred and eighty-three inclusive; a duty of one penny *per* gallon for and upon all cyder that ſhall be ſold or tapped out by retail, to be paid by the perſon who ſhall ſell or tap out between the twenty-fifth of December one thouſand ſeven hundred and eighty-one, and twenty-fifth of December one thouſand ſeven hundred and eighty-three inclusive; an additional duty of five pounds *per centum* upon all china, earthen, japanned, or lacquered ware, as valued or rated for cuſtom by book of rates, imported; a further additional duty of five pounds *per centum* for and upon the ſeveral goods and merchandizes, not growth and produce or manufacture of Great Britain, herein after named, as now rated for cuſtom in book of rates, or if unrated, ſhall be valued upon oath of importer which ſhall be imported during time aforeſaid, over and above all other duties payable for the ſame, *viz.* apparel, apples, bacon and hams, beads of glaſs, chocolate, cocoa nuts, coffee, cork, capers, cloves, currants, cheſnuts, wall nuts, ſmall nuts, bugles, hulled barley, artificial flowers, millinary ware, pearl barley, fans, hats chip and ſtraw, anchovies, ſturgeon, pins, wrought ivory, olives, onions, prints and pictures, mace, nutmegs, wrought incle, drugs not being

1s. from 6 to 8 quarters,
2s. from 11 to 12, hops from Great Britain three half pence per lb.
one 4 wheel carriage 30s.
40s. every one over,
10s. on two wheeled,
except ſtage, hackney, &c.
8s. per cwt. on flour bread, &c. except Britiſh imported,
2s. per barrel on wheat (except Britiſh,)
vinegar 5l. 6s. per ton,
10s. on cyder retailers,
and 10s. between 25 Dec. 1782 and 1783
and 1d. per gallon,
5 per cent. as rated on China, &c.
further 5 per cent. on goods named (not Britiſh) as rated or on importer's oath,

being for dyers uſe, elephants teeth, furs, all lacquered, japanned, gilt, painted, bronzed, and enamelled ware, gloves of all ſorts, almonds, anniſeeds, cinnamon, liquorice, pepper, piamento, pruins, raiſins, rice, ſaffron, ſuccards, ſuccus liquoritiæ, needles, thimbles, outnal threads, ſifters threads, china and earthen ware, whited brown thread, and all other threads, haberdaſhery, hard-ware, toys, mermits, iron pots, ſciſſars, ſnuffs, tiles, ſhot, laces of cotton, thread, worſted, or ſilk, groceries of all kinds (except ſugars,) oranges and lemons, lime juice, lemon juice, and orange juice not being for dyers uſe, tape, foreign linens, and all manufactures of flax and hemp; an additional duty of one ſhilling *per* rheam upon every rheam of paper, except brown, blue, and preſſing paper imported, except manufacture of Great Britain; a duty of one ſhilling *per* barrel upon all herrings imported, except Britiſh; an additional duty of ſix pence for every raw and untanned hide exported during the time aforeſaid (except to Great Britain;) an additional duty of twenty ſhillings *per* ton for every ton of ſoap-boilers waſte, and ſo in proportion for a greater or leſs quantity, exported to any parts beyond ſeas; an additional duty of three pounds *per* ton upon every ton of linen rags, and ſo in proportion for a greater or leſs quantity, exported to parts beyond ſeas, an additional duty of ſix-pence *per* gallon upon every gallon of linſeed oil, and ſo in proportion for a greater or leſs quantity, imported during the time aforeſaid.

paper (except brown &c.) 1s. per rheam, Britiſh excepted,

herrings, except Britiſh, 1s. per barrel,

raw hides exported 6d. except to Great Britain,

ſoap waſte 20s. per ton,

linen rags 3l. per ton,

linſeed oil imported 6d. per gallon.

II. *ſect.* 6. Whereas it is reaſonable, and for advancement of trade, that all goods and merchandizes the produce or manufacture of this kingdom to be exported directly to Britiſh plantations in America, or to the Weſt Indies, or into any ſettlements belonging to Great Britain on coaſt of Afrſica, ſhould ſtand chargeable with and pay duties and rates to as great an amount, as goods and merchandizes of ſame denomination and quality, exported from Great Britain to ſuch places now ſtand chargeable with, whether on importation of the materials, or by duties on exportation, or by inland exciſe not drawn back or compenſated for by bounties: from twenty-fifth December one thouſand ſeven hundred and eighty-one, and until twenty-fifth December one thouſand ſeven hundred and eighty-three inclusive, and no longer, there ſhall be raiſed, levied, granted, collected, and paid upon exportation of the ſeveral articles of growth, produce, or manufacture of this kingdom, mentioned in the ſchedule [No. 2.] hereunto annexed, which ſhall be exported during the time aforeſaid to any Britiſh colony, or plantation in America, or the Weſt Indies, or any Britiſh ſettlement on coaſt of Africa, the ſeveral duties on the reſpective quantities contained in ſaid ſchedule, and ſo in proportion for greater or leſs quantity, net, in ready money without diſcount or allowance, and in lieu and full ſatisfaction of all duties now payable by any law heretofore; and for every tun of bar iron, or of ſplit, rolled, or plated iron, or of manufactured iron ware, not being of produce or manufacture of this kingdom, which ſhall be exported to any of ſaid places during time aforeſaid, a duty of two pounds ten ſhillings for every ton of ſuch bar iron, and of three pounds three ſhillings and eleven pence for every ton of ſplit, rolled, or plated iron, or manufactured iron ware, and ſo in proportion for greater or leſs quantity, net, in ready money, without diſcount or allowance, in lieu and full ſatisfaction of all duties now payable by any law heretofore.

From 25 Dec. 1781 to 25 Dec. 1783, duties on Iriſh goods in ſchedule 2, exported to colonies or African ſettlements,

without diſcount, in lieu of all duties, bar iron (not Iriſh) 2l. 10s. per ton, ſplit, &c. 3l. 3s. 11d.

III. *ſect.* 7. So much of the produce of the ſeveral rates, duties, and impoſitions by virtue of this act upon the ſaid ſeveral articles, as the hereditary

Amount of hereditary duties placed thereto, diſtinct account kept.

duties now payable thereon would have amounted to in caſe they had continued to be levied upon the exportation of ſaid articles, ſhall be placed to account of hereditary revenue; and a ſeparate and diſtinct account be kept by the proper officers, of ſuch amount upon all and every the aforeſaid articles ſo exported.

Raiſed and paid above all by 14 & 15 C. 2. c. 8 & 9,

IV. *ſect.* 17. All additional duties, rates and impoſitions hereby granted, ſhall be raiſed, anſwered, levied, and paid unto your Majeſty, your heirs and ſucceſſors, during time aforeſaid, over and above all other duties payable by an act fourteenth and fifteenth of Charles the ſecond, *for ſettling the exciſe or new impoſt, according to the book of rates*; or by one other act fourteenth and fifteenth of Charles the ſecond, *for ſettling the ſubſidy of poundage, and granting a ſubſidy of tonnage, and other ſums unto his Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported, according to the book of rates*, except where otherwiſe herein particularly provided and enacted.

ſave otherwiſe provided.

Fees accounted for.

V. *ſect.* 18. The ſix pence *per* pound, and all other fees payable to vice-treaſurers, receiver, or paymaſter general, clerk of the pells, or any other officer upon iſſuing or payment of any money out of, or received for or on account of the ſeveral duties and aids hereby granted, ſhall be applied for the uſe of your Majeſty, your heirs and ſucceſſors, in aid and addition to the duties hereby granted, and duly accounted for by them.

Drawback on export in 3 years, performing requiſites,

VI. *ſect.* 19. If any of the goods and merchandizes upon which the ſaid duties, additional, and further additional duties, are charged upon importation, (except herrings imported) ſhall, after payment, or ſecurity given for payment of the ſame, be again exported (except wines, touching which a ſpecial proviſion is herein made) by any merchant or merchants within three years after importation, and due proof firſt made by certificate from the proper officer, of due entry and payment of ſaid duties, additional, and further additional duties, or of ſecurity having been given; and that all other requiſites have been performed, by law required, where duties of exciſe are to be repaid by the before mentioned act, *for ſettling the exciſe or new impoſt, according to the book of rates*; then the ſaid duties, additional, and further additional duties, ſhall, without any delay or reward, if paid, be repaid or allowed unto ſuch merchants ſo exporting, within one month after demand thereof; or if the ſame ſhall not have been paid, the ſecurity for ſaid duties, and further additional duties, ſhall be vacated or diſcharged, as to ſo much thereof as ſo exported; any thing herein to the contrary notwithſtanding; except in ſuch caſes where it is or ſhall be otherwiſe provided for this ſeſſion.

ſave otherwiſe provided this ſeſſion.

Drawbacks in ſchedule (3,) on export of wines in 3 years,

VII. *ſect.* 20. For and upon the exportation to any place, except Britiſh plantations in America, the Weſt-Indies, or any Britiſh ſettlement on coaſt of Africa, of any wines, within three years after import, and which ſhall have paid on import the duties charged thereon in the aforementioned ſchedule [No. 1.] the ſeveral drawbacks mentioned in the ſchedule marked [No. 3.] hereunto annexed, ſhall be allowed and paid to merchants ſo exporting the ſame.

On coffee, chocolate, and cocoa, (except the 2d. per lb. on coffee) to linen manufacture,

VIII. *ſect.* 21. The additional rates and duties hereby impoſed on coffee, chocolate and cocoa nuts, except ſaid duty of two pence *per* pound on coffee, and all monies ariſing thereby, ſhall be paid to truſtees for hempen and flaxen manufactures, to be applied to encourage and ſupport ſaid manufactures, and the trade thereof; and ſaid additional duties on raw and untanned hides, and on linſeed oil imported, and all money ariſing thereby, ſhall be paid to ſaid truſtees, to be applied towards the encouraging the raiſing of flaxſeed in this kingdom;

kingdom; and ſo much of the produce of all ſaid duties upon teas, as ſhall amount to ſeven thouſand three hundred pounds *per annum*, for ſaid time, ſhall be placed to account of hereditary revenue; and the ſurplus for ſupport of your Majeſty's government as aforeſaid.

on raw hides and linſeed oil, to raiſing flaxſeed, 7300l. of tea duty to hereditary revenue.

IX. *ſect.* 22. All duties, rates, and impoſitions hereby granted, ſhall be raiſed, anſwered, collected, and paid at the ſame time, in like manner, and by ſuch ways, means, and methods, rules and directions, penalties and forfeitures, and ſuch powers, as are appointed for the raiſing and paying duties, by ſaid act, fourteenth and fifteenth of Charles the ſecond, *for ſettling the exciſe or new impoſt, according to the book of rates*; or by any other law now in force relating to revenue of exciſe, as fully and effectually, to all intents, as if particularly expreſſed, and enacted again in this act, with like remedy of appeal to the party grieved, as by ſaid act of exciſe, or any other law in being relating to duties of exciſe, is provided.

Raiſed and paid as by 14 & 15 C. 2. cap. 8, or by other exciſe law,

with like appeal.

X. *ſect.* 23. From twenty-fifth December one thouſand ſeven hundred and eighty one, a ſeparate and diſtinct account ſhall be kept by proper officers of the ſeveral ſums ariſing from aforeſaid aids, duties, and taxes; and the commiſſioners of revenue ſhall return their weekly abſtracts from the ſeveral collectors to accountant general; and accountant general ſhall return a ſeparate account of the aforeſaid ſums hereby granted, to vice treaſurers or deputies; and every collector or receiver do take a ſeparate receipt for the ſame when paid into treaſury; which receipt, vice-treaſurers or deputies, are required to give accordingly.

Diſtinct accounts kept,

weekly abſtracts.

XI. *ſect.* 24. The ſeveral ſums herein after-mentioned, be paid out of the aforeſaid duties and aids, to the perſons, and for purpoſes herein after mentioned; four thouſand pounds to the ſpeaker, to enable him to maintain the ſtate and dignity of his office; two thouſand pounds *per annum*, for two years, to truſtees of linen manufacture, to encourage the raiſing ſufficient quantities of hemp and flax in this kingdom; further two thouſand pounds *per annum*, to the truſtees for encouragement of hempen and flaxen manufactures in Leinſter, Munſter and Connaught; and further ten thouſand pounds *per annum*, for ſaid two years, to ſaid truſtees, to be applied in ſuch manner as ſhall be directed by parliament; and on failure of ſuch direction during this ſeſſion, then in ſuch manner as ſhall appear to them moſt conducive to promote ſaid manufactures; the ſaid further ten thouſand pounds *per annum*, being given to them in the place and ſtead of a like ſum heretofore appropriated to them out of the firſt produce of duties on teas; and ſaid ſeveral ſums ſo granted to ſaid truſtees, be exempted from payment of all fees; five hundred pounds to Agmondiſham Veſey, accountant general, for preparing and ſtating the publick accounts of the nation, laid before the houſe this ſeſſion; three hundred pounds to Henry Gore, for preparing and making out the account of imports and exports for two years, ending twenty-fifth March one thouſand ſeven hundred and eighty one, purſuant to order of the houſe; eight hundred pounds to Thomas Ellis, clerk of the commons; four hundred pounds to Benjamin Higgins, clerk aſſiſtant; one thouſand pounds to Dixie Coddington, ſerjeant at arms; three hundred pounds to James Corry, clerk of Journals and records, appointed in purſuance of the report of a committee; two hundred pounds to Jonathan Rogers, clerk of engroſſments; ſix hundred pounds to George Melvin, and George Frederick Winſtanley, clerks attending committee of accounts, and other committees, to be equally divided; one hundred and

Payments thereout.

and twelve pounds to Abraham Bradley, and Abraham Bradley King, for printing the publick accounts; eighteen pounds to Abraham Bradley, and Abraham Bradley King, for reprinting two ſheets; fifty pounds to Laurence Senſi, as a reward for delivering the votes; two hundred pounds to James M'Cowan and Henry Holmes, door-keepers; three hundred pounds to the Speaker, to be divided among back door keepers and meſſengers, being thirteen in number, as he ſhall direct; two hundred pounds to John Wetherel ſenior, and John Wetherel junior, for extraordinary trouble in making up the ſeveral accounts laid before the houſe, and attending the houſe; three hundred pounds to Paul Lebas, examinator of corn premiums, on account of the great encreaſe of his trouble in examining and keeping accounts of premiums, and his expences in payment of clerks, in two years; two hundred pounds to John Swan, examinator of exciſe; one hundred pounds to Henry Smith, deputy paymaſter of corn premiums; one thouſand two hundred pounds to ſir Roger Palmer, in conſideration of his extraordinary attendance, care, and expence in the office of paymaſter of corn premiums, during two years; two hundred pounds to Thomas Ellis for preparing copies, ſuperintending the printing and making an index to the nineteenth volume of the journals; two hundred pounds to Thomas Leſtrange aſſiſtant ſerjeant at arms; ten thouſand pounds to the incorporated ſociety towards ſupporting proteſtant charter-ſchools; five thouſand pounds to governors of the foundling hoſpital and work houſe, towards enabling them to diſcharge debts contracted for uſe of that charity, and ſupporting their neceſſary expences: ten thouſand pounds to Dublin Society for improvement of huſbandry, and other uſeful arts, one half at leaſt to encouragement of agriculture and planting; five thouſand pounds to lord chancellor and chief judges, for carrying on the building offices for public records; two thouſand pounds to the Hibernian marine ſociety; two thouſand pounds to governors of the Hibernian ſchool; two thouſand pounds to truſtees for carrying on improvements of Cork harbour, to be expended in the ſame; four hundred and thirty two pounds five ſhillings and ten pence to Abraham Bradley, and Abraham Bradley King, the coſt of printing and binding five hundred copies of the nineteenth volume of journals, delivered for uſe of the members; three thouſand pounds to governors of ſaint Patrick's hoſpital; one hundred pounds to Mrs. Elizabeth Molloy, houſe-keeper, for her extraordinary trouble and expence by additional buildings; three thouſand pounds to the corporation for relief of the poor in Dublin, for ſupport of the houſe of induſtry, in aid of charitable contributions; five hundred pounds to erect a quay in Dungarvan; two thouſand pounds to the lord mayor, ſheriffs, commons, and citizens of Dublin, towards carrying on the ballaſt-office wall, provided they have regularly accounted for the ballaſt office revenue; one thouſand pounds to the mayor, ſheriffs, burgeſſes, and commons of Drogheda, to enable them to improve the navigation of the Boyne, from the bridge of Drogheda to the ſea; ſix thouſand pounds to board of firſt fruits, for building new churches, and rebuilding old, in ſuch pariſhes as no divine publick ſervice has been performed in for twenty years; four hundred pounds to the pariſh of Killurine, in the county of Wexford, towards rebuilding the church; one thouſand pounds to the lord mayor, ſheriffs, commons, and citizens of Dublin, to build and finiſh the new gaol; fifty pounds to Benjamin Higgins, clerk-aſſiſtant, for his expence and trouble in anſwering a bill by Abraham Grier, for detaining ſeveral books and papers formerly laid before

before a committee, and which he refuſed to deliver up without leave of the houſe; eleven hundred pounds to Doctor Achmet, to diſcharge debts contracted by him in erecting and finiſhing the Dublin baths, and towards ſupporting the ſame for uſe of the poor; five hundred pounds to Thomas Reilly, to carry on the iron wire manufactory; two thouſand pounds to viſitors of Kilkenny college, to rebuild the ſame, two thouſand pounds to truſtees of the circular road, towards building a bridge over the Liffey near Iſland bridge; four hundred pounds to Roquier Cannon, for his care and attention to the fiſheries, and to reimburſe his expences; four hundred and ſeventy five pounds ſix ſhillings and three pence to Mary Hay, the coſt of twenty five ſets of the ſtatutes, in nine volumes, delivered for uſe of the members of the houſe of commons; five thouſand pounds to encourage the cotton, kenting, and thread manufactures, one thouſand two hundred and fifty pounds thereof to the honourable George Hamilton, one of the barons of exchequer; one thouſand two hundred and fifty pounds thereof to Robert Brooke; one thouſand pounds thereof to Jeremiah Vickers, John Page junior, Archibald Wright, John Mc Caul, and William Crombie, at Balriggin near Dundalk; ſeven hundred and fifty pounds thereof to Edward Harman and company, in Drogheda; and ſeven hundred and fifty pounds to Charles Chadwick of Limerick, towards enabling them ſeverally to carry on their reſpective manufactures; and five hundred pounds to Ann Wetherall, widow of William Wetherall, late deputy accountant general, for uſe of his ſeven children, in conſideration of his long and diligent ſervices.

XII. *ſect.* 28. The ſaid ſchedules before mentioned, and hereunto annexed, deemed and taken as part of this act, to all intents and purpoſes whatſoever. Schedules part of this act.

A SCHEDULE

No. 1.

A SCHEDULE of the Duties upon every Ton of Wine, Filled or Unfilled, imported, whether by Natives or Strangers, to be paid down in Ready Money Net, without Diſcount or Allowance, and to be in Lieu and full Satisfaction of all Duties, Cuſtoms, and Exciſe payable thereon by any Act or Acts of Parliament heretofore made in this Kingdom.

	By Natives.								By Strangers.							
	Filled.				Unfilled.				Filled.				Unfilled.			
	l.	s.	d.	20ths	l.	s.	d.	20ths	l.	s.	d.	20ths	l.	s.	d.	20ths
French Wine	33	7	0		31	1	0		34	10	4		32	2	0	
Portugal and Madeira Wine	22	4	8		20	14	0		23	0	2	13/20	21	8	0	
Rhenish Wine	27	19	10	16	25	13	10	18/20	29	9	10	16	27	0	10	18/20
Spaniſh Wine	28	0	0		25	14	0		29	13	4		27	4	0	
Canary Wine, and all other Wine of the Dominions of Spain	31	3	10	16	28	11	6	2/20	32	17	2	16	30	1	6	2/20
All other Wine	28	9	10	16	26	2	10	18/20	30	3	2	16	27	12	10	18/20

Duties.

A SCHEDULE

No. 2.

A SCHEDULE of the reſpective Duties payable upon the ſeveral Articles therein enumerated, being the Produce, or Manufacture of this Kingdom, on the Exportation thereof to any *Britiſh* Colony or Plantation in *America*, or the *Weſt Indies*, or any of the *Britiſh* Settlements on the Coaſt of *Africa*: The ſaid Duties to be paid down in Ready Money net, and to be in Lieu and full Satisfaction of all Duties now payable by Law for the ſame.

		l.	s.	d.
IRON,	Bar Iron, the Ton	2	10	0
	Iron, ſlit, rolled, plated, or turned, and manufactured Iron Wares, the Ton	3	3	11
HIDES,	Calve Skins, Kip Skins, tanned or tawed, and not dreſſed in Oil, and Sheep Skin tanned for Gloves, or Baſil, the Hundred Weight	0	6	$1\frac{2}{3}$
	Dreſſed in Oil, the Hundred Weight	1	1	$3\frac{2}{3}$

SKINS

Duties.

		l.	s.	d.
SKINS VOCAT.	Black Coney Skins with or without Silver Hair, for every ſix Score Skins	0	2	$10\frac{7}{12}$
	Calve Skins dreſſed in Oil, the Hundred Weight	1	8	$0\frac{2}{3}$
	Goat Skins tawed, the Hundred, containing ſix Score	1	1	8
	Goat Skins tanned with Shumack, to reſemble Spaniſh Leather, For every ſix Score Skins	0	10	0
	Goat Skins tanned with Shumack, to reſemble Spaniſh Leather, For every Pound Weight	0	0	$4\frac{1}{3}$
	LAMB SKINS, The Hundred containing Six Score	0	2	$8\frac{1}{2}$
	LAMB SKINS, And beſides if Tawed and not tanned, or dreſſed in Oil, the Hundred Weight	0	4	$2\frac{1}{2}$
	LAMB SKINS, And beſides if Tanned for Gloves or Baſil, the Hundred Weight	0	5	$0\frac{3}{4}$
	LAMB SKINS, And beſides if Dreſſed in Oil, the Hundred Weight	0	10	$1\frac{1}{3}$
	SHEEP SKINS, Tawed and not tanned, or dreſſed in Oil, the Hundred Weight	0	5	$3\frac{1}{2}$
	SHEEP SKINS, Tanned for Roans, and not dreſſed in Oil, the Hundred Weight	0	7	$9\frac{5}{6}$
	SHEEP SKINS, Dreſſed in Oil, the Hundred Weight	0	11	$2\frac{1}{3}$
	Polts, the Hundred containing Five Score	0	8	$7\frac{1}{3}$
	All Pieces or Parts of Skins tawed or tanned, and not dreſſed in Oil, for every Twenty Shillings value thereof on Oath	0	3	0
	All Pieces or Parts of Skins dreſſed in Oil, for every Twenty Shillings value thereof on Oath	0	2	0
	All Pieces or Parts of Skins dreſſed in Oil, for every Twenty Shillings value thereof on Oath, And beſides the Hundred Weight	0	6	$2\frac{2}{3}$
FUR called grey Rabbit Fur, or Coney Hair, the Pound		0	6	$1\frac{17}{328}$
KIDS HAIR, for every Twenty Shillings value thereof on Oath		0	1	0
PARCHMENT, the Dozen		0	1	$7\frac{1}{2}$
VELLUM, the Dozen		0	3	3
LAPIS CALAMINARIS, the Ton		0	2	2

A SCHEDULE

No. 3.

A SCHEDULE of the Drawbacks upon every Ton of Wine exported as the ſame have been imported, Filled or Unfilled, whether by Natives or Strangers, if the ſame ſhall be regularly exported within Three Years after the Importation thereof reſpectively; the ſaid Drawbacks to be in Lieu and full Satisfaction of all Drawbacks payable by any Act or Acts of Parliament heretofore made in this Kingdom.

	By Natives.								By Strangers.							
	Filled.				Unfilled.				Filled.				Unfilled.			
	l.	s.	d.	20ths	l.	s.	d.	20ths	l.	s.	d.	20ths	l.	s.	d.	20ths
French Wine	29	17	0		27	18	0		29	17	0		27	18	0	
Portugal and Madeira Wine	17	4	8		16	4	0		16	6	10	13⅓	15	8	0	
Spaniſh Wine	23	0	0		21	4	0		23	0	0		21	4	0	
Canary Wine, and all other of the Dominions of Spain	26	3	10	16	24	1	6	2⅔	26	3	10	16	24	1	6	2⅔
All other Wine	23	9	10	16	21	12	10	18⅔	23	9	10	16	21	12	10	18⅔

XIII. *Stat.*

For payment of intereſt, duties granted.

XIII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 2. *ſect.* 23. That the intereſt of ſums heretofore borrowed upon, or ſecured by debentures, bearing intereſt four pounds *per centum per annum*, and remaining unpaid; and the ſeveral annuities, and intereſt of the ſeveral ſums of one hundred and forty thouſand pounds, one hundred and fifty five thouſand pounds, and ſixty five thouſand pounds, and alſo, of three hundred thouſand pounds, or ſo much thereof, as ſhall or may be borrowed or raiſed in purſuance of this act, may be duly and regularly paid: from twenty fifth of December one thouſand ſeven hundred and eighty one there ſhall be raiſed, levied, granted, collected, and paid to your Majeſty, your heirs and ſucceſſors, until the twenty fifth December one thouſand ſeven hundred and eighty three incluſive, and no longer, over and above the ſeveral rates and duties payable by an act fourteenth and fifteenth Charles the ſecond, *for ſettling the exciſe or new impoſt, according to the book of rates*, or by one other act, fourteenth and fifteenth Charles the ſecond, *for ſettling ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums, upon merchandizes imported and exported, according to a book of rates*, and over and above any other duties, rates, impoſitions, and taxes, by any other act ſtill in force, the ſeveral duties, rates, impoſitions, and taxes after mentioned; an additional duty of ten pence *per* gallon upon every gallon of *aquavitæ*, ſtrong waters, or ſpirits made or diſtilled within this kingdom for ſale, paid by firſt maker or diſtiller; additional eight pence *per* gallon of brandy, ſtrong waters, and ſpirits perfectly made, and ſpirits made and diſtilled of wine, not above proof, imported during time aforeſaid, and ſo proportionably for a greater or leſs quantity; and for every gallon of foreign ſpirits above the quality of ſingle imported, an additional duty in proportion to duties payable for ſingle ſpirits of ſame denomination, according to comparative degree of ſtrength ſuch ſpirits bear to ſingle ſpirits of ſame denomination; a further additional duty of four pence upon every gallon of rum or other ſpirits of growth and produce of ſugar colonies in America, imported during time aforeſaid; a further additional duty of one ſhilling upon every gallon of brandy, geneva, and all other ſpirits imported, except of growth and produce of ſugar colonies in America, over and above all other duties now payable for the ſame; and an additional duty of ſix pence a pack upon all painted or playing cards manufactured or vended in this kingdom during time aforeſaid.

No fees.

XIV. *ſect.* 24. Neither the ſix pence *per* pound, nor any other fee ſhall be payable to, nor deducted or received by, vice treaſurers, receiver, or paymaſter general, clerk of pells or any other officer, for or on account of iſſuing or payment of any money ariſing by, or received for or on account of the aids hereby granted, or of any payment in purſuance hereof.

Application.

XV. *ſect.* 25. The aids hereby granted ſhall firſt be applied to diſcharge of intereſt of ſo much of the ſeveral principal ſums heretofore borrowed upon debentures, and carrying intereſt four pounds *per centum per annum*, as ſhall remain unpaid on twenty fifth December one thouſand ſeven hundred and eighty one; and next to payment of annuities granted for two hundred and ſixty five thouſand pounds; and next of annuities for one hundred and ſeventy five thouſand pounds; and next of annuities for three hundred thouſand pounds; and next towards payment of expences by ſending or remitting from time to time ſuch of the ſaid annuities to London, as made payable there purſuant to the ſeveral acts relative thereto; next towards intereſt, four pounds *per centum per annum* for debentures amounting in the whole to three hundred and fifteen thouſand pounds for payment of prizes of lotteries eſtabliſhed laſt ſeſſion; next towards

towards diſcharge of intereſt of the three ſeveral ſums of one hundred and forty thouſand pounds, one hundred and fifty five thouſand pounds, and ſixty five thouſand pounds, amounting in the whole to three hundred and ſixty thouſand pounds borrowed upon treaſury bills, bearing intereſt three pence by the day for each one hundred pounds; and next place towards intereſt for ſuch further ſums, not exceeding three hundred thouſand pounds, as ſhall or may be raiſed or borrowed by this act, not exceeding four pounds *per centum per annum*, for two hundred and ſixty thouſand pounds thereof, and not exceeding three pence by the day for each one hundred pounds for forty thouſand pounds, the remaining part; and next towards diſcharge of intereſt of ſuch ſums, not exceeding three hundred and ſixty thouſand pounds, as ſhall or may be raiſed upon treaſury bills to replace ſo much now due and ſtanding out on like bills, purſuant to proviſions herein before.

Surplus.

XVI. *ſect.* 27 The ſurplus of produce of ſaid duties firſt applied towards payment of principal ſums, heretofore borrowed on debentures, bearing an intereſt at four pounds *per centum per annum*; next to payment of ſaid lottery debentures heretofore iſſued; and next to payment of ſuch ſum, not exceeding two hundred and ſixty thouſand pounds, as ſhall be raiſed or borrowed this ſeſſion at intereſt not exceeding four pounds *per centum per annum*.

Diſtinct account of ſums appropriated, weekly abſtracts to accountant general, ſeparate receipts to collectors.

XVII. *ſect.* 29. From twenty fifth December one thouſand ſeven hundred and eighty one, a ſeparate and diſtinct account ſhall be kept of aids, duties, and taxes granted hereby, or any other act in force, and appropriated to particular uſes; and the commiſſioners of revenue ſhall return their weekly abſtracts from collectors to accountant general, and the accountant general ſhall return a ſeparate account of duties and taxes ſo appropriated to vice treaſurers or deputies; and every collector or receiver of ſaid duties and taxes, do take a ſeparate receipt when paid into treaſury, which receipt vice treaſurers or deputies are required to give accordingly.

Said duties raiſed as by 14 & 15 C. 2. or other exciſe law, with like appeal.

XVIII. *ſect.* 30. All duties and rates hereby granted ſhall be raiſed and paid at ſame time, in like manner, ways, means, and methods, rules and directions, and under ſuch penalties and forfeitures, and ſuch powers, as in ſaid act, fourteenth and fifteenth Charles the ſecond, *for ſettling the exciſe and new impoſt according to the book of rates*, or by any other law now in force, relative to the exciſe, as fully and effectually as if particularly enacted in this act, with like remedy of appeal as by ſaid act of exciſe, or by any other law now in being, relative to duty of exciſe.

Duties on export of Iriſh product (except alnage) ſhall ceaſe as to Great Britain, except a ſpecial proviſion.

XIX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 5. *ſect.* 1. Whereas the wealth and proſperity of this kingdom very much depend upon improvement of its manufactures and their profitable export: after twenty-fifth December one thouſand ſeven hundred and eighty one, the ſeveral cuſtoms, ſubſidies, and all other duties payable to your Majeſty, your heirs and ſucceſſors, by any law now in force, upon exportation of any goods or merchandizes, product or manufacture of this kingdom, except alnage duties, ſhall ceaſe, determine, and be no longer due or payable, for ſo much as exported to any other place than Great Britain, except ſuch goods and merchandizes, touching which a ſpecial proviſion herein made.

Not repeal duties on articles named.

XX. *ſect.* 2. Nothing herein ſhall be conſtrued to extend to determine, alter, leſſen, or repeal any cuſtom or other duty payable on exportation

to

o any place whatſoever of any ſkins or hides, caney hair or wool, hare's wool, hair of any ſort, horns, horſes, or live cattle of any ſort, aſhes, bacon, beef, pork, butter, greaſe, guts, hog's lard, tallow, tongues, bones not manufactured, flax-ſeed, hemp-ſeed, linen yarn, linen rags or ſhreds, rape cakes, ſoaper's waſte, tin and wrought weld, wax or woad, and proviſions of every ſort, except corn, meal, malt, and flour, when the prices of ſuch corn, meal, malt, or flour ſhall exceed thoſe upon which a bounty on exportation is or ſhall be payable, nor upon exportation to any Britiſh plantations in America, Weſt Indies, or any Britiſh ſettlements on coaſt of Africa, of iron and iron ware, leather tanned, dreſſed, or tawed, ſhreds and points of leather, pelts, vellum, and parchment, ſoap, hops, allum, lead, lead ore, copperas, coals, wool cards, white woollen cloth, *lapis calaminaris*, glew, and litharge of lead; any thing herein to contrary notwithſtanding.

Iriſh goods exported.

XXI. *ſect.* 3. It ſhall be lawful to export to any place except Great Britain, without paying any ſubſidy or duty whatſoever, all ſuch goods or merchandizes, product or manufacture of this kingdom, as may be lawfully exported, other than goods touching which an exception or ſpecial proviſion is herein, or in any other act this ſeſſion made, ſo as due entry firſt made at cuſtom houſe of the port where exported, in ſame manner, and expreſſing quantity and quality as uſed in reſpect of any goods exported before this act, and ſo as ſhipped by the proper officer, and ſo as exporter do firſt make oath before cuſtomer, comptroller, or chief officer of ſuch port, which oath he is hereby required and impowered to adminiſter, that ſaid goods are of Iriſh manufacture or product, or on failure thereof the ſaid goods or merchandizes, ſhall be liable to duties, as if this act never made, any law or uſage to contrary notwithſtanding.

Legal imports, after duties paid exported to colonies, &c. and requiſites by 14 & 15 C. 2. c. 9. all duties repaid in 1 month after demand,

except a ſpecial proviſion, and duties on herrings.

XXII. *ſect.* 4. Whereas removing obſtacles to trading in merchandizes of other countries will tend to promote navigation, increaſe ſhipping, and extend commerce; if any goods or commodities legally imported, ſhall after payment of duties upon importation be again exported by any merchant or trader within three years after importation to any Britiſh colony in America or Weſt Indies, or Britiſh ſettlement on coaſt of Africa, and due proof by certificate from proper officer of due entry and payment of ſaid duties, and all other requiſites performed, required where the moiety of ſubſidy inwards is to be repaid by an act fourteenth and fifteenth Charles the ſecond, *for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums upon merchandizes imported and exported according to book of rates*, the whole of ſubſidy inwards, and of import exciſe, and all other duties upon importation ſhall without delay or reward be repaid and allowed to ſuch merchants ſo exporting within one month after demand, except on all merchandizes, touching which any proviſion is herein after made, and all duties on imported herrings.

Allowance on export in proportion as from G. Britain,

XXIII. *ſect.* 5. Whereas ſeveral allowances are given in Great Britain upon exportation of Britiſh manufactures in nature of drawbacks on importation of the materials in manufacturing, particularly in ſilk and ſilk mixed, in compenſation for duties on importation of raw and thrown ſilk; and high duties are payable in this kingdom upon importation of raw and thrown ſilk; and it is reaſonable allowances of ſame nature ſhould be given upon exportation of any manufacture in this kingdom of ſilk, or of ſilk mixed with other material, bearing ſuch proportion to allowance in Great Britain upon like articles as

duties

duties upon importation of raw and thrown ſilk here bear to duties in Great Britain on importation of raw and thrown ſilk; the ſeveral allowances after mentioned ſhall be paid to any, who after twenty fifth December one thouſand ſeven hundred and eighty one really and *bona fide* export by way of merchandize any goods or commodities manufacture of this kingdom herein after particularly ſpecified; for all ribbands and ſtuffs made in Ireland of ſilk only, and exported, one ſhilling and ſeven pence halfpenny for every pound weight avoirdupoize: mixed with gold or ſilver, two ſhillings and one penny and one halfpenny; ſilk ſtockings, gloves, fringes, laces, ſtitching or ſewing ſilk, eight pence; ſtuffs, ſilk and grogram yarn, four pence farthing; ſtuffs of ſilk and worſted, three pence farthing; ſtuffs of ſilk mixed with incle or cotton, ſix pence halfpenny; wrought or manufactured gold or ſilver plate made in Ireland and exported, ſix pence for every ounce troy weight, and ſo in proportion for any greater or leſs quantities: which ſeveral allowances ſhall be paid by the collector or other officer of the port, from whence exported, upon demand without fee or reward, on oath by exporter before ſuch collector or officer, (which oath he is impowered to adminiſter,) that ſaid goods are of Iriſh manufacture, and exported or intended to be, and not relanded, or intended to be in Ireland, and giving ſufficient ſecurity, (which ſuch officer is impowered to take) in name and to uſe of your Majeſty, your heirs and ſucceſſors, by bond in penalty of the value, conditioned that the ſaid goods ſhall not be relanded, and for ſuch part of ſaid goods, as entered for or landed in Great Britain, iſlands of Guernſey, Jerſey, Alderney, Sark, or Man, a condition of ſaid bond ſhall be to bring a certificate in diſcharge thereof within ſix months after date of ſaid bond, which certificate ſhall be ſigned by proper officers of cuſtoms there, and for want of ſuch officers reſiding in any of ſaid iſlands, by governor, or deputy thereof reſpectively; and for ſuch as entered for, or landed in, any plantations in America, or Weſt Indies, or Britiſh ſettlements on Africa, a condition of the bond ſhall be to bring a certificate within eighteen months after date, ſigned by officers uſually ſigning certificate of like nature there, importing ſuch goods there landed, and teſtifying the landing; and for ſuch ſilk, ſtuffs, or other manufactures as aforeſaid, as ſo entered for any foreign port or place, a condition of the bond ſhall be to bring a certificate under common ſeal of the chief magiſtrate, or hands and ſeals of two known Britiſh merchants, then at ſuch place, that ſuch were then landed; which certificate ſhall reſpectively import and teſtify, ſuch goods landed at places from whence certificates given, and be a full and ſufficient diſcharge for ſaid bonds, or in caſe ſuch goods were taken by enemies, or periſhed in the ſeas, ſaid bonds ſhall be diſcharged upon ſatisfactory proof before commiſſioners of revenue or any one.

allowance on export of Iriſh goods ſpecified,

to be exported, not relanded,

and ſecurity to the value,

and for ſuch as for G. Britain, Guernſey, &c. to bring certificate in 6 months,

for plantations, &c. in 18,

for foreign place under C. magiſtrate's ſeal,

or 2 Britiſh merchants there,

a ſufficient diſcharge,

or on proof of taken or periſhed at ſea.

XXIV. *ſeſſ.* 6. Said allowances upon ſilk, and of ſilk mixed, ſhall be paid by collector or officer of the port out of any monies in his hands ariſing out of any cuſtoms, exciſe, or additional duties not appropriated to any particular purpoſe, and be accepted of in his account as ſo much paid to your Majeſty, and he ſhall be diſcharged thereof accordingly; and ſaid allowances upon wrought or manufactured gold or ſilver plate ſhall be paid out of monies ariſing from duties for uſe of the corporation for promoting and carrying on inland navigation, and accounted for and charged as paid for and on account of ſaid corporation.

For ſilks, paid out of duties not appropriated,

for plate out of inland navigation duties.

XXV. *ſeſſ.*

On plate, ſo long as duty continued.

XXV. *ſect.* 7. Said allowance on wrought plate ſhall be payable ſo long only as the duty ſhall continue.

Officer after entry may open and examine,

if right, repacked and charge allowed,

XXVI. *ſect.* 8. It ſhall be lawful for any ſearcher, or proper officer after entry of any of ſaid goods to open and ſtrictly examine on board or elſewhere every bale, truſs, cheſt, or package, to ſee if the goods rightly entered; and if found rightly entered, the officer ſhall at his charge cauſe the ſame to be repacked, to ſatisfaction of exporter, which charge ſhall be allowed to ſaid officer by commiſſioners, if they think it reaſonable; but in caſe the officer ſhall find ſaid goods, or any part entered under a wrong denomination, whereby your Majeſty would have been defrauded in the allowance on exportation, contrary to true meaning thereof, all ſo wrong entered ſhall be ſeized, and the ſame, as likewiſe the value forfeited, and ſued for, levied, and applied as after preſcribed.

if under wrong denomination, forfeited and the value.

Not mixed at edges or ends only,

2-3ds all ſilk, or ſo as apparent,

or double the allowance,

proof on exporter.

XXVII. *ſect.* 9. Said allowances ſhall not be demanded for any of ſaid manufactures of ſilk mixed with gold and ſilver, where only mixed at edges or ends of the pieces, nor for any mixed with other materials, unleſs two thirds at leaſt of the ends or threads of the warp (by which is meant length of the piece) be either all ſilk, or mixed or twiſted with ſilk in the warp ſo that ſuch ſilk obvious and apparent, or unleſs the ſilk therein be at leaſt double value of the allowance intended to be obtained on exportation; and if any diſpute ariſe concerning any of ſaid manufactures, whether made in Ireland, or touching the quality, the *Onus Probandi* ſhall lie on exporter, claimer, or owner, and not on the officer.

From 25 Dec. 1781 to 25 Dec. 1783 on plantation articles imported, duties in ſchedule (1) from thence or G. Britain, in lieu of all other, without diſcount or allowance.

XXVIII. *ſect.* 10. And whereas ſuch part of trade between this kingdom and Britiſh colonies, and ſettlements on Africa, as was not enjoyed, previous to laſt ſeſſion can have continuance ſo long only, as goods from or exported to ſaid colonies, plantations, or ſettlements, ſhall be liable to equal duties and drawbacks, and ſubject to ſame ſecurities, regulations, and reſtrictions, as like goods imported from ſaid colonies, plantations or ſettlements into Great Britain, or exported thence to ſuch colonies, plantations, or ſettlements reſpectively: for advancement of ſaid trade, and as a further ſupply there ſhall be levied, and paid from twenty fifth December one thouſand ſeven hundred and eighty one to twenty fifth December one thouſand ſeven hundred and eighty three inclusive, the ſeveral duties following, for the ſeveral articles of growth, product, or manufacture of Britiſh plantations in America, or Weſt Indies, in the ſchedule hereunto annexed, marked [No. 1.] imported during time aforeſaid from thence or from Great Britain, whether by ſubjects or ſtrangers, the ſeveral duties therein reſpectively, for every one hundred pounds value according to the rates therein ſeverally, and ſo in proportion for greater or leſs quantity; which ſhall be in lieu and full ſatisfaction of all cuſtoms, ſubſidies, and duties whatſoever upon ſaid articles, by any law heretofore, and ſhall be ſeverally paid down in ready money net without any diſcount or allowance.

Drawbacks on export in 3 years.

XXIX. *ſect.* 11. The ſeveral drawbacks in ſaid ſchedule ſhall be allowed and paid on the ſeveral articles to any merchant or trader duly exporting within three years after importation, for every one hundred pounds value, according to rates in ſaid ſchedule, and ſo in proportion for greater or leſs quantity.

Where duties on import paid.

XXX. *ſect.* 12. None of ſaid drawbacks ſhall be paid upon exportation of any of ſaid articles, except where the duties charged by this act, paid upon importation, but every merchant who ſhall, within three years after import,

export

export to ſaid plantations in America or Weſt Indies, any goods imported previous to this act, ſhall be allowed and paid ſuch drawback, and no other, as by any law or laws heretofore he is or ſhall be intitled unto; and no drawback ſhall be paid in any caſe, unleſs due proof firſt made of payment of all duties on import, in manner uſually practiſed for obtaining drawbacks.

XXXI. *ſect.* 13. The ſeveral duties following ſhall be raiſed, anſwered, levied, collected, and paid, from twenty fifth December one thouſand ſeven hundred and eighty one, until twenty fifth December one thouſand ſeven hundred and eighty-three inclusive; for all ſpeckle wood of growth of Africa, imported thence by any ſubjects, twenty two pounds fifteen ſhillings, and by a ſtranger, twenty four pounds three ſhillings and five pence farthing, for every one hundred pounds value, as rated for cuſtom, and ſo in proportion for greater or leſs value; but if imported from Great Britain, by any ſubjects, then a duty of twenty pounds and ten pence, and if by a ſtranger, of twenty pounds two ſhillings and two pence farthing, for every like one hundred pounds value, and ſo in proportion for greater or leſs quantities; which laſt mentioned ſums of twenty pounds and ten pence, and twenty pounds two ſhillings and two pence farthing reſpectively, ſhall be the drawbacks upon every ſuch one hundred pounds value, on due exportation within three years, of all ſuch ſpeckle wood imported from Africa, or Great Britain, and for which the before mentioned duties paid upon importation; for beavers ſkins of produce of plantations in America or Weſt Indies, imported thence directly, a duty of nine ſhillings and five pence three farthings for every five ſcore ſkins, and ſo in proportion for greater or leſs number; and for beaver wool, cut and combed, produce and manufacture of ſaid plantations imported, a duty of ſeventeen ſhillings and three farthings, for every pound weight, and ſo in proportion for greater or leſs quantity; which duty, on due exportation of ſuch beaver wool, within three years from importation, ſhall be repaid to exporter, upon proof firſt made in manner uſually for obtaining drawbacks.

Duties from 25 Dec. 1781, to 25 Dec. 1783,

on ſpeckle wood of Africa from thence,

from Great Britain,

the drawbacks on export in 3 years,

beaver ſkins,

beaver wool,

repaid on export in 3 years on uſual proof.

XXXII. *ſect.* 14. Said ſeveral duties and drawbacks ſhall be in lieu and full ſatisfaction of all duties and drawbacks on ſaid ſeveral articles, by any law heretofore; and ſaid ſeveral duties ſhall be paid down in ready money net, without any diſcount or allowance whatſoever.

Said duties and drawbacks in lieu of all other, duties without diſcount.

XXXIII. *ſect.* 15. From twenty-fifth December one thouſand ſeven hundred and eighty-one, no duty, ſubſidy, or cuſtom, ſhall be paid on importation of any articles following, any law or ſtatute to contrary notwithſtanding; wood, plank, wrought timber, except maſts, yards, or bow ſprits, timber unwrought, or lumber, being the growth or produce of Britiſh plantations in America, or Weſt-Indies; clean good merchantable well conditioned tar or pitch, not mixed with droſs or water, or clean good merchantable turpentine; which tar, pitch, or turpentine, ſhall be imported directly from any Britiſh colonies in America, or Weſt Indies, growth or produce of the ſame; cotton, wool, indigo, Brazil or Fernambuco wood, Brazilletto or Jamaica wood, logwood, Nicarago, red or Guinea wood, Sapan wood, mahogany or other wood, the product of any part of America, and all woods for dyers uſe, imported from any place, except ſpeckle wood of the growth of Africa; whale fins or train oil, or blubber, produce of whales caught in any part of the ocean by, and imported in any ſhip or veſſel belonging to ſubjects in this kingdom, Great Britain, Guernſey, Jerſey, or the Iſle of Man; raw and undreſſed goat ſkins imported in Britiſh or Iriſh ſhips, navigated according to law, from any port or place; raw and undreſſed ſeal ſkins taken by the crews

No duty on articles mentioned.

of veſſels belonging to, and fitted out from this kingdom, Great Britain, Jerſey, Guernſey, or Man, whereof the captain or maſter, and three fourths of mariners at leaſt, are ſubjects, or by perſons employed by maſters or owners of ſuch veſſels; raw ſilk of growth or culture of any of colonies or plantations in America; pig or bar iron made in and imported from any Britiſh colonies in America; ſago powder, or vermicelli imported from colonies in North America, raw or undreſſed hides of ſteers, cows, or cattle whatſoever, except of horſes, mares, or geldings, from Britiſh colonies or plantations in America; and beaver ſkins, produce of ſaid colonies and plantations, imported from Great Britain.

Due entry and landing, or liable to duty.

XXXIV. *ſect.* 16. Provided due entries be firſt made of ſaid articles reſpectively, at reſpective times of importation as heretofore, and the ſame be landed in preſence of proper officer, or on failure, every of ſaid articles ſhall be liable to duty, if of growth or product of colonies in America or Weſt Indies, according to rates in ſchedule before mentioned; but if not growth or product of ſaid colonies, then to pay duty as if this act never made.

Oath of ſeal-ſkins taken by the crew,

XXXV. *ſect.* 17. Provided alſo, the captain or perſon having command of the veſſel importing ſuch ſeal ſkins, make oath before collector or principal officer, at the port, who is required and authorized to adminiſter, that ſeal ſkins are really and *bona fide* the ſkins of ſeals taken and caught by the crews thereof, or by perſons employed by the maſters or owner of ſuch veſſel; and on failure thereof, ſuch ſkins ſhall be liable to duty in the ſaid ſchedule.

or liable to duty in ſchedule.

Like certificate for raw ſilk,

XXXVI. *ſect.* 18. Provided alſo, the maſter, commander, or perſon taking charge of veſſel importing ſuch raw ſilk, do deliver to collector or chief officer of the port at or before entry, a certificate of like nature, as any maſter, commander, or other would or ought to have received at the port where put on board, in order to entitle him to land duty free in Great Britain; and alſo make oath, which ſaid collector or officer is impowered and required to adminiſter, that the bales, parcels, and goods in ſuch certificates, are the ſame taken on board in ſaid Britiſh colonies or plantations; and on failure of any of ſaid requiſites all ſuch raw ſilk ſhall be liable to duties in ſaid ſchedule.

or liable.

Forign raw ſilk entered as, or mixed with growth of colonies, forfeited.

XXXVII. *ſect.* 19. If after twenty-fifth December one thouſand ſeven hundred and eighty one, make, or cauſe to be, any entry of any foreign raw ſilk under name or deſcription of raw ſilk, of growth or culture of Britiſh plantations or colonies in America, or ſhall mix or cauſe to be, any foreign with raw ſilk of growth or culture of the plantations, to evade duties on foreign raw ſilk, every perſon ſhall forfeit fifty pounds for every ſuch offence, with all ſuch foreign raw ſilk, and in caſe of any mixture, the quantity ſo mixed, both foreign and plantation growth, together with value thereof, as alſo the bales or packages, to be ſued for and recovered in manner after mentioned.

Proof on owner.

XXXVIII. *ſect.* 20. If any doubt or diſpute ariſe whether ſaid raw ſilk or any part ſo imported, be of growth or culture of the plantations or colonies, or of foreign, the *Onus Probandi* ſhall lie on owner or claimer, not on informer or proſecutor.

Drawback of all duties on import of callicoe or muſlin printed, &c.

XXXIX. *ſect.* 21. From twenty fifth December one thouſand ſeven hundred and eighty-one, all duties paid on importation of any callicoes or muſlins, ſhall be fully drawn back and repaid for all ſuch as printed, ſtained, painted, or dyed in this kingdom or Great Britain, and afterwards exported hence to any Britiſh ſettlement on coaſt of Africa; but if exported to any Britiſh colony or plantation in America, or Weſt Indies, all ſaid duties ſhall be drawn back

and

and repaid, except five pounds eight ſhillings and four pence for every one hundred pounds value, as ſold by candle at Eaſt India company's ſale, and ſo in proportion for greater or leſs value.

£1 8s. 4d. per cent. as at company's ſale.

XL. *ſect.* 22. All ſaid drawbacks ſhall be paid and ſatisfied by collectors at ports of exportation, out of any money ariſing out of any aid or duties collected in ſame manner, and ſubject to ſame regulations, as uſually in caſe of drawbacks.

Paid by collector & ſubject as uſual.

XLI. *ſect.* 23. Duties raiſed, levied, and paid on the ſeveral articles following, exported from twenty fifth December one thouſand ſeven hundred and eighty one, to twenty fifth December one thouſand ſeven hundred and eighty three incluſive; for all cotton wool growth or produce of Britiſh plantations in America or Weſt Indies, ſo exported in any other ſhipping than Britiſh or Iriſh, five pounds thirteen ſhillings and nine pence for every one hundred pounds value, verified by oath of perſon exporting, and ſo in proportion for greater or leſs value; for all beaver ſkins imported directly from ſaid plantations or ſettlements, and exported, three pounds ſix ſhillings and four pence farthing for every five ſcore of ſkins, or pieces of ſkins, and ſo in proportion for greater or leſs number; beaver wool, or wombs, imported from ſaid plantations or ſettlements, and exported, eight pounds ten ſhillings and ſeven pence halfpenny for every five ſcore pounds weight, and ſo in proportion; for every piece of white woollen cloth, called broad cloth, of manufacture of Ireland, exported to any of ſaid plantations or ſettlements, five ſhillings and eight pence farthing, and ſo in proportion; for the ſeveral articles in ſchedule [No. 2.] annexed, exported, a duty after rate of two pounds ſixteen ſhillings and ten pence halfpenny for every one hundred pounds value, according to rates in ſaid ſchedule, and ſo in proportion; for all Eaſt India white callicoes and muſlins, exported to any Britiſh colony in America or Weſt Indies, a duty after rate of three pounds five ſhillings for every one hundred pounds value, as ſold by candle at Eaſt India company's, or any other public ſales, if taken and condemned as prize, or forfeited by any law; for gum ſenega, a duty after rate of fifty-nine pounds fourteen ſhillings and four pence halfpenny, and gum arabic, of three hundred and forty-four pounds one ſhilling and ten pence halfpenny, for every ten ton weight reſpectively, exported, and ſo in proportion; ſaid ſeveral duties to be paid down in ready money net, without any diſcount or allowance, and in full ſatisfaction of all other duties now payable on exportation, by any act in force (except alnage duty on the white woollen cloth.)

Duties to 25 Dec. 1783, on export of articles mentioned.

XLII. *ſect.* 24. No duty, ſubſidy, or cuſtom, ſhall be payable on exportation of logwood growth or produce of Britiſh plantations, in Britiſh or Iriſh ſhipping, nor upon any lead ore exported to Great Britain.

No duty on logwood in Britiſh or Iriſh ſhips, nor lead ore to Great Britain.

XLIII. *ſect.* 32. If indigo made in Britiſh colonies or plantations in America, and imported after twenty-fifth December one thouſand ſeven hundred and eighty-one, ſhall be exported, the perſons exporting ſhall before entry pay unto collector at the port or chief officer of cuſtoms two ſhillings and two pence for every ſix pounds weight, and ſo in proportion, being the premium on importation by this act, over and above any duty the ſame is by law ſubject to pay at exportation.

On exporting plantation indigo 2s. 2d. the premium on import.

XLIV. *ſect.* 33. If any, or agents, or aſſigns, do or ſuffer, any act fraudulently to export ſuch indigo without paying ſuch premium to collector or chief officer, ſuch perſons ſhall forfeit all ſuch indigo, and double value.

If any fraudulent act, forfeited and double value.

Proof on owner.

XLV. *ſect.* 34. If any doubt or diſpute ariſe whether any of ſaid indigo, or any part to be exported, is of growth, produce, or manufacture of plantations or foreign, the *Onus probandi* ſhall lie on owner or claimer, and not on informer or proſecutor, any law, cuſtom, or uſage to contrary notwithſtanding.

Goods (except Britiſh) legally imported, and exported to plantations or African ſettlements, ſhall draw back ſo much as to leave equal to duties retained in G. Britain,

if exactly equal, no drawback,

if not equal, a duty with import duty equal to that ſo retained.

XLVI. *ſect.* 35. All goods and commodities growth, product, or manufacture of any part of Europe, (except Great Britain,) and all of growth, product or manufacture of Eaſt Indies, or other places beyond the Cape of Good Hope, or any other country whatſoever, except Great Britain, legally imported, and exported to any Britiſh plantation in America, or Weſt Indies, or ſettlements on coaſt of Africa, between twenty fifth December one thouſand ſeven hundred and eighty one, and twenty fifth December, one thouſand ſeven hundred and eighty three incluſive, ſhall draw back ſo much of duties paid on importation, as ſhall leave remainder equal to duties retained in Great Britain on goods of like quality and quantity exported thence to any of ſaid places, and if duties paid on importation ſhall be exactly equal to duties ſo retained, ſuch goods ſhall not receive any drawback on exportation, and if the duties on importation not equal, ſuch goods ſhall not only not receive any drawback on export, but ſhall alſo pay ſuch duty on being ſo exported, as with duty paid on importation ſhall equal duty ſo retained in Great Britain.

If from G. Britain, allowance for duty retained,

XLVII. *ſect.* 36. Where ſuch goods ſo to be exported have been imported from Great Britain, in the calculating ſaid duties and drawbacks, due attention ſhall be given and allowance made for any duty or impoſition, or any part of the ſame, retained in Great Britain, or not drawn back, or not compenſated for by bounty in Great Britain, upon exportation thence to this kingdom.

Commiſſioners to form ſchedules of ſaid drawbacks and duties on export,

ſigned by 4,

allowed and paid as if in this act,

ſubject as others in this act.

duplicate to clerk of the commons.

XLVIII. *ſect.* 37. Commiſſioners of revenue ſhall form, or cauſe to be, one or more tables or ſchedules, with all convenient ſpeed, of the ſeveral drawbacks ſo to be allowed, and duties paid on export of ſaid goods and commodities growth, product, or manufacture of any part of Europe (except Great Britain) or of the Eaſt Indies, or other places beyond Cape of Good Hope, or any other country whatſoever, to any Britiſh colonies in America, or Weſt Indies, or ſettlements on coaſt of Africa; and ſo ſoon as ſaid ſchedules, or any of them, ſhall be formed, they ſhall be ſigned by four of ſaid commiſſioners at leaſt; and after the day whereon ſuch ſignature ſhall be made, until the twenty fifth December, one thouſand ſeven hundred and eighty three, the ſeveral drawbacks ſhall be allowed, and duties paid, as reſpectively therein, upon export as aforeſaid of the ſeveral goods therein, as fully to all intents as if ſpecifically enumerated in this act, any law, ſtatute, or uſage to contrary notwithſtanding; and ſubject to like remedies, regulations, and reſtrictions, as any duties impoſed, or drawbacks allowed by this act, are made ſubject unto; and a duplicate of every ſuch table or ſchedule, ſigned in manner aforeſaid, ſhall be at ſame time depoſited with the clerk of the commons, to be laid before the houſe next ſeſſion.

Where a duty on export to equalize, drawback and duty ſpecified,

drawback credited to exporter

XLIX. *ſect.* 38. It ſhall be lawful for ſaid commiſſioners, where the duties retained in this kingdom cannot be equalized with duties retained in Great Britain upon ſuch export of any particular articles, unleſs the whole or part of duties paid on import be drawn back, and a duty be impoſed on the export, to ſpecify in the ſchedules, containing ſuch articles, what amount of duties ſhall be drawn back, and what impoſed thereon; in every which caſe the drawback

drawback ſo to be allowed, ſhall be admitted and credited to exporter in payment of the duty ſo impoſed.

L. *ſect.* 39. Nothing ſhall in any ſuch ſchedule impoſe any condition or reſtriction upon, to affect either with duty or drawback by this act, any goods, wares, or merchandizes, which might be legally exported to any of ſaid places prior to laſt ſeſſion; nor ſhall any thing in any ſuch ſchedule extend or be conſtrued to extend thereto. Not to affect legal exports to ſaid places prior to laſt ſeſſion.

LI. *ſect.* 40. All commodities imported from Scotland ſhall be chargeable with and pay ſame duties, and no more, as commodities of a like nature from England are chargeable with and liable to pay. Same duties on Scotch imports as Engliſh.

LII. *ſect.* 41. From twenty fifth December one thouſand ſeven hundred and eighty one all goods imported from and exported to any Britiſh ſettlement on coaſt of Africa, ſhall pay like duties, and receive like drawbacks and allowances, and be ſubject to ſame regulations, and entitled to ſame benefits as goods of ſame nature from, or to any Britiſh colonies in America ſhall be chargeable with, liable or intitled to by this act, except where otherwiſe eſpecially provided herein, or declared in the ſchedules. On imports from or exports to Africa like duties, drawbacks, &c. as the colonies, ſave otherwiſe herein or in ſchedules.

LIII. *ſect.* 42. The proper officers to keep a ſeparate and diſtinct account of the ſeveral articles exported or imported, whereon hereditary duties are charged, altered, removed, or drawn back by this or any other act this ſeſſion, and regularly enter what thoſe hereditary duties would amount to on ſuch articles, if continued payable; and ſo much of the money, ariſing from the ſeveral aids and duties by this or any other act this ſeſſion as ſaid hereditary duties would have ſo amounted to, ſhall be regularly and duly placed to account of hereditary revenue. Diſtinct account where hereditary duties, amount thereof entered, placed thereto.

LIV. *ſect.* 43. All ſaid duties, rates, and impoſitions, ſhall be raiſed, anſwered, collected, and paid, at ſame time, in like manner, except as to bonding the ſame, or any diſcount for prompt payment, and all fines, penalties, and forfeitures by this act, except ſuch as by this act otherwiſe provided for, ſhall be ſued for, recovered, levied, and applied in ſuch manner and form, means and ways, powers and authorities, as are preſcribed by fourteenth and fifteenth Charles the ſecond, *for ſettling the exciſe or new impoſt according to book of rates*, as fully and effectually, as if particularly re-enacted in this, with like remedy of appeal as by ſaid act of exciſe provided. Duties raiſed (except bonding and diſcount) and penalties (not otherwiſe provided) levied, as by 14 & 15 C. 2. c. 8. with like appeal.

LV. *ſect.* 44. Aforeſaid ſchedules (No. 1.) and (2.) deemed and taken a part of this act, to all intents and purpoſes. Schedules part of this act.

LVI. *ſect.* 45. Neither the ſix pence *per* pound nor any other fee ſhall be payable to or deducted or received by vice treaſurers, receiver, or paymaſter general, clerk of pells, or other officer for their own uſe for or on account of iſſuing or payment of any money ariſing by, or received for or on account of the aids hereby, or of any payment in purſuance of this act, but ſhall be received and duly accounted for to your Majeſty, your heirs and ſucceſſors. Fees accounted for.

A SCHEDULE

No. 1.

A SCHEDULE of the Rates of the ſeveral Articles following, of the Growth or Produce of the *Britiſh* Plantations in *America*, or the *Weſt Indies*, and the net Duty to be paid on the Importation of the ſame, for every one hundred pounds Value thereof, according to the ſaid Rates, whether imported directly from the ſaid Plantations, or from *Great Britain*, and as the ſame are, or are not, ſubject to Aliens Duty; with the ſeveral Drawbacks to be allowed upon their Exportation, within Three Years after their Importation: The ſaid Duties to be in Lieu and full Satisfaction of all Duties now payable by Law for the ſame, and the ſaid Drawbacks to be in the Place and Stead of all Drawbacks now allowed by Law thereon.

For every £100. of the Rate.

	Rate.	If by Law not ſubject to Aliens Duty.		If by Law ſubject to Aliens Duty.	
FURS.		Duty payable at Importation from *America*, or the *Weſt Indies*.	Duty payable at Importation from *Great Britain*, and Drawback on Exportation.	Duty payable at Importation from *America* or the *Weſt Indies*.	Duty payable at Importation from *Great Britain*, and Drawback on Exportation.
	l. s. d.	l. s. d. 20	l. s. d. 20	l. s. d. 20	l. s. d. 20
ARMIN, the Timber containing 40 Skins	2 0 0				
BADGER SKINS, the Piece	0 2 0				
BEAR SKINS, Black, the Piece	1 0 0	28 8 9 0	25 14 7 0	29 17 2 5	25 15 11 5
BEAR SKINS, Red, the Piece	1 0 0				
BEAR SKINS, White, the Piece	2 0 0				

Duties.

BEAVER

		l.	s	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
BEAVER WOMBS, the Piece		0	1	8																
BUDGE	Black: Tawed the Dozen Skins	1	6	8																
	Black: Untawed, the hundred containing 5 Score	3	10	0																
	White: Tawed, the hundred containing 5 Score	2	0	0																
	Navern, the hundred legs containing 5 Score	0	8	4																
	Poults, the Fur containing 4 Pains	1	0	0																
	Rumney, the hundred legs containing 5 Score	0	6	8																
CALABAR	Seasoned, the Pain	1	0	0	28	8	9	0	25	14	7	0	29	17	2	5	25	15	11	5
	Stag the Pain	0	12	6																
	Tawed, the Timber containing 40 Skins	0	8	0																
	Untawed, the Timber containing 40 Skins	0	6	8																
CATS	Skins, the hundred containing 5 Score	2	0	0																
	Poults: The hundred containing 5 Score	1	0	0																
	Poults: The Mantle	0	6	3																
	Wombs, the Pain or Mantle	0	6	3																
DOCKERERS, the Timber containing 40 Skins		0	13	4																

Budges.

FITCHES

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
FITCHES,	The Timber containing 40 Skins	0	13	4																
	The Pain or Mantle	0	12	6																
FOXES	The Black Fox Skin	10	0	0																
	The Ordinary Skin	0	1	4																
	The Pain or Mantle	0	15	0																
	Wombs, Poults, or Pieces, the Pain	0	10	0																
	Dreſſed, vide in Skins																			
FOYNES,	Backs the Dozen	0	13	4																
	Poults the hundred containing 5 Score	1	6	8																
	Raw the Piece	0	1	0																
	Tails, the Pain or Mantle	0	12	6	28	8	9	0	25	14	7	0	29	17	2	5	25	15	11	5
	With Tails, the Piece	0	3	4																
	Without Tails, the Piece	0	4	0																
	Wombs: Seaſoned, the Pain or Mantle	1	6	8																
	Wombs: Stag the Pain or Mantle	0	15	0																
GRAYS,	Tawed, the Timber of 40 Skins	0	12	6																
	Untawed, the Timber containing 40 Skins	0	8	4																
JENNETS,	Black: Raw, the Skin		12	6																
	Black: Seaſoned, the Skin		16	8																
	Grey: Raw, the Skin	0	3	0																
	Grey: Seaſoned, the Skin	0	4	0																

Dutch

LEOPARDS

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
LEOPARDS	Skins, the Piece	1	5	0																
	Wombs, the Pain	5	0	0																
LETWIS,	Tawed, the Timber containing 40 Skins	0	8	4																
	Untawed, the Timber containing 40 Skins	0	6	0																
LEWZERNS SKINS, the Piece		2	10	0																
MARTRONS or MARTINS,	The Timber containing 40 Skins	10	0	0	28	8	9	0	25	14	7	0	29	17	2	5	25	15	11	5
	The Pain or Mantle	9	0	0																
	Gills, the Timber containing 40 Skins	0	12	0																
	Poults, the Pain or Mantle	0	10	0																
	Tails, the hundred containing 5 Score	2	0	0																
MINIVER, the Mantle		0	13	4																
MINKS	Tawed, the Timber containing 40 Skins	4	0	0																
	Untawed, the Timber containing 40 Skins	3	0	0																

	l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
MOLE SKINS, The Dozen ——	0	0	6																
OTTER SKINS, The Piece —— ——	0	5	0																
OUNCE SKINS, The Piece —— ——	0	12	6																
SABLES, Of all Sorts, the Timber containing 40 Skins	30	0	0																
WEAZLE SKINS, The Dozen ——	0	0	4	28	8	9		25	14	7		29	17	2	5	25	15	11	5
WOLF SKINS, Tawed, the Piece	1	10	0																
WOLF SKINS, Untawed, the Piece	1	3	0																
WOLVERINGS, The Piece ——	0	12	6																
All other Furs, except those rated amongst Skins for every £100. of their Value upon Oath	—	—																	
And if any of the aforesaid Furs, or any other Furs are tawed or dressed, and are not before charged with those Duties, they are to pay more for every £100. of their Value upon Oath	—	—		34	2	6		1	12	6		34	2	6		1	12	6	

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
BUCK or DEER SKINS,	Dreſſed, The Skin	0	5	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And beſides for every Pound Weight	0	0	0	0	0	10	$4\frac{3}{4}$				$9\frac{3}{4}$			10	$4\frac{3}{4}$				$9\frac{3}{4}$
CALVE SKINS,	Dreſſed in Allum, and Salt or Meal, or otherwiſe tawed, For every £. 100. of their value on oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Pound weight	0	0	0	0	0	3	$8\frac{1}{4}$	0	0	2	$6\frac{7}{12}$	0	0	3	$8\frac{1}{4}$	0	0	2	$6\frac{7}{12}$
	Tanned, The Dozen —— ——	0	10	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And beſides for every Pound Weighe	0	0	0			3	$19\frac{5}{8}$			2	$14\frac{25}{72}$			3	$19\frac{5}{8}$			2	$14\frac{25}{72}$
	Slink Calve Skins, however dreſſed, For every £. 100. of their Value on Oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	For every Pound Wt. With the hair on	0	0	0			2	$5\frac{1}{2}$			1	$11\frac{1}{18}$			2	$5\frac{1}{2}$			1	$11\frac{1}{18}$
	Without the hair	0	0	0			1	$2\frac{3}{4}$				$15\frac{10}{36}$	0	0	1	$2\frac{3}{4}$				$15\frac{10}{36}$
DOG SKINS, however dreſſed,	For every £. 100. of their value upon oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Pound Weight	0	0	0	0	0	1	$2\frac{3}{4}$	0	0	0	$1\frac{1}{12}$			1	$2\frac{3}{4}$				$1\frac{1}{12}$

ELK

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
ELK SKINS,	Dressed or undressed, the Skin	0	6	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides, if dressed in Oil, for every Pound Weight	0	0	0			7	19½			5	8 3/5			7	19½			5	8 3/5
FOX SKINS,	The Dozen, dressed	0	16	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides, for every £ 100. of their Value on Oath	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	
GOLD SKINS,	The Skin	0	0	6	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides, if dressed, for every £ 100. of their value on Oath	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	
KID SKINS,	In the Hair the Hundred, containing 5 Score	1	0	0	99	10	7	10	29	2	3	10	100	19	0	15	29	3	7	15
	Dressed, the Hundred, containing 5 Score	2	0	0	63	19	8	5	27	8	5	5	65	8	1	10	27	9	9	10
	Not perfectly dressed, For every £ 100 of their value on oath.	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Not perfectly dressed, For every Dozen	0	0	0		1	8	9½			0	19½	0	1	8	9½	0	0	0	19½

			l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
KIP SKINS,	However tawed,	For every	£ 100. of their value on oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
			Pound Weight	0	0	0		0	0	3	8¼				3¼			3	8¼			3¼
BUCK or DEER SKINS,	In the Hair, the Skin			0	2	6															
	Indian, half dressed Deer Skins, the Pound			0	1	3															
CALVE SKINS, in the Hair, the Piece				0	0	10															
CONEY SKINS, the Dozen				0	1	0															
DOG SKINS, the Piece, undressed				0	0	8		28	8	9		25	14	7		29	17	2	5	25	15	11	5
DOG FISH Skins, for Fletchers, the Dozen				0	1	6															
FISHER SKINS, the Piece				0	5	0															
HARE SKINS, the Dozen				0	0	4															
HUSSE SKINS, for Fletchers, the Skin				0	0	6															

LAMB

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
LAMB SKINS,	Dreſſed in Allum, The Hundred containing 5 Score	1	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Dreſſed in Allum, And beſides for every Dozen	0	0	0	0	1	1	13	0	0	4	$19\frac{2}{3}$	0	1	1	13	0	0	4	$19\frac{2}{3}$
	Dreſſed in Oil, The Hundred containing 5 Score	4	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Dreſſed in Oil, And beſides for every Dozen	0	0	0	0	2	3	6	0	0	9	$19\frac{1}{3}$	0	2	3	6	0	0	9	$19\frac{1}{3}$
	Undreſſed in the Wool, the Hundred containing 6 Score	0	10	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Slink Dreſſed, The Hundred containing 5 Score	0	10	0	28	8	9		25	14	7		29	17		5	25	15	11	5
	Slink Dreſſed, And beſides for every £. 100, of their Value on Oath	—	0	—	34	2	6		12	9	2		34	2	6		12	9	2	
	Slink, undreſſed in the Wool, the Hundred containing 6 Score	0	5	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Tanned, For every £. 100. of their Value on Oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Tanned, For every Dozen	0	0	0	0	1	8	$9\frac{1}{2}$	0	0	7	$9\frac{1}{2}$	0	1	8	$9\frac{1}{2}$	0	0	7	$9\frac{1}{2}$
LION SKINS, the Piece		0	10	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
MOOSE SKINS, the Piece		0	10	0																

MUSQUASH,

	l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
MUSQUASH, the Skin	0	0	6																
PANTHER SKINS, the Piece	1	0	0																
PELTS of all Sorts, (except Goats Pelts) the Hundred containing Five Score	1	10	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
PELTS of GOATS, Dreſſed the Dozen	0	10	0																
PELTS of GOATS, Undreſſed the Dozen	0	5	0																
RACOON SKINS, the Skin	0	0	6																
CORDOVANTS, the Dozen	5	0	0	37	10	9		26	3	3		38	19	2	5	26	4	7	5
GOAT SKINS, In the Hair, the Dozen	1	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
GOAT SKINS, Tanned, The Dozen	2	0	0	39	16	3		26	5	5		41	4	8	5	26	6	9	5
GOAT SKINS, Tanned, And beſides for every Pound Weight	0	0	0	0	0	6	16½	0	0	0	6½	0	0	6	16½	0	0	6	6½
GOAT SKINS, Dreſſed, except thoſe uſually called Cordovants, For every £100. of their Value on Oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
GOAT SKINS, Dreſſed, except thoſe uſually called Cordovants, For every Dozen	0	0	0	0	4	6	12	0	0	2	12	0	4	6	12	0	0	2	12
GOAT SKINS, Dreſſed, except thoſe uſually called Cordovants, For every Pound Weight	0	0	0	0	0	6	16½	0	0	0	6½	0	0	6	16½	0	0	6	6½

SEAL

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
SEAL SKINS,	The Skin	0	1	8	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides, if Dressed, for every £100 of their value on oath	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	
SHAGREEN SKINS,	The Skin	0	1	8	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides for every £100 real value on Oath	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	
SHAMOY SKINS.	The Dozen	1	6	8	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides for every £100 real Value on Oath	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	
SHEEP SKINS, Dressed,	The Dozen,	0	5	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides if In Oil, the Dozen,	0	0	0	0	3	4	19	0	1	2	19	0	3	4	19	0	1	2	19
	And besides if Otherwise dressed, the dozen,	0	0	0	0	1	1	13	0	0	4	19½	0	1	1	13	0	0	4	19½
Tanned,	For every £100 of their real Value on Oath	0	0	0	28	8	9	8	25	14	7		29	17	2	5	25	15	11	5
	For every Dozen	0	0	0	0	1	8	9½	0	0	7	9½	0	1	8	9½	0	0	7	9½
In the Wool, the Skin		0	0	3	28	8	9		25	14	7		29	17	2	5	25	15	11	5
SPRUCE SKINS, Tawed	The Dozen	2	0	0																
	And besides for every £100 real Value upon Oath	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	

SWAN

	l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
SWAN SKINS, the Piece	0	3	4																
TAILS or TIPS of SABLES, the Piece	0	2	0																
TYGER SKINS, the Piece	0	10	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
VIZIR SKINS, the Piece,	0	5	0																
WOODSHOCKS, the Skin	0	5	0																
And besides the aforesaid Duties. If any of the aforesaid Skins are tanned, tawed, or dressed, and not before particularly charged, they are to pay for every £100. of their Value upon Oath.	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	
All other Skins (except those rated amongst Furs and Leather) and Pieces of Skins, For every £100. of their real value upon Oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
And besides if tanned, tawed, or dressed, and not before particularly charged, for every £100. of their real Value upon Oath.	0	0	0	34	2	6		1	12	6		34	2	6		1	12	6	

HIDES.		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
BUFF HIDES,	The Hide	0	10	0	45	10	0		42	15	10		43	18	5	5	42	17	2	5
BUFFALO-	And besides for every Pound Weight	0	0	0	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{25}{36}$	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{25}{36}$
COW	In the Hair, the Piece	0	2	6	28	8	9		25	14	7		29	17	2	5	25	15	11	5
HORSE	The Piece	0	10	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
HIDES,	Tanned, And besides for every Pound Weight	0	0	0	0	0	3	$19\frac{5}{8}$	0	0	2	$14\frac{35}{72}$	0	0	3	$19\frac{5}{8}$	0	0	2	$14\frac{35}{72}$
INDIAN HIDES,	The Hide,	0	4	2	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides if Dressed in Oil, the Pound	0	0	0			7	$19\frac{1}{4}$			5	$8\frac{25}{36}$	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{25}{36}$
	And besides if Tanned, the Pound	0	0	0			3	$19\frac{5}{8}$			2	$14\frac{35}{72}$	0	0	3	$19\frac{5}{8}$	0	0	2	$14\frac{35}{72}$
	And besides if Tawed, the Hide	0	0	0		3	11	$15\frac{1}{2}$		2	8	$12\frac{1}{6}$	0	3	11	$15\frac{1}{2}$	0	2	8	$12\frac{1}{6}$
Of HORSES MARES and GELDINGS	Tawed For every £100 of their Value upon Oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	Tawed And besides for every Hide	0	0	0	0	2	3	6	0	1	6	$12\frac{2}{3}$	0	2	3	6	0	1	6	$12\frac{2}{3}$
LOSH HIDES,	The Hide	0	5	0	45	10	0		42	15	10		46	18	5	5	42	17	2	5
	And besides for every Pound Weight	0	0	0	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{25}{36}$	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{25}{36}$
All other Hides and Pieces of Hides not before particularly charged,	For every £100. of their Value upon Oath	0	0	0	28	8	9		25	14	7		29	17	2	5	25	15	11	5
	And besides if Dressed in Oil, the Pound	0	0	0	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{35}{36}$	0	0	7	$19\frac{1}{4}$	0	0	5	$8\frac{35}{36}$
	And besides if Tanned, the Pound	0	0	0	0	0	3	$19\frac{5}{8}$	0	0	2	$14\frac{35}{72}$	0	0	3	$19\frac{5}{8}$	0	0	2	$14\frac{35}{72}$
	And besides if Tawed, the Hide	0	0	0	0	3	11	$15\frac{1}{2}$	0	2	8	$12\frac{1}{6}$	0	3	11	$15\frac{1}{2}$	0	2	8	$12\frac{1}{6}$

	l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	30
GUM ARABICK, or Gum Senega, the Hundred Weight containing 112lb.	1	10	0																
If regularly imported, entered and landed	0	0	0	1	17	11		0	0	0		1	17	11		0	0	0	
But on failure thereof, then to pay	0	0	0	9	9	7		6	15	5		9	19	0	15	6	15	10	$8\frac{1}{3}$
COTTON WOOL,																			
INDIGO,																			
FUSTICK,				0	5	0													
BRAZIL, or Fernambuck Wood,				0	15	0													
BRAZILETTO, or Jamaica Wood,				1	1	8													
LOGWOOD,				1	5	0													
NICORAGO Wood,				0	8	0													
RED or Guinea WOOD,				1	10	0													
SAPAN Wood,				0	10	0													
WOOD for dying, not otherwise rated,				0	10	0													
				0	10	0													
MOLASSES, the Tun				13	6	8													
PITCH, TAR, The Last containing 12 Barrels				2	10	0													
				0	10	0													
				1	0	0													

If regularly imported, entered and landed — Duty from — But on failure thereof, then to pay for every ton

	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	30
					17	1	5		14	7	1		18	9	8	5
					22	15	0		20	0	10		24	3	5	5

MASTS

	l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
MASTS { Great, the Maft	1	0	0																
Middle, the Maft	0	10	0																
Small, the Maft	0	3	4	22	15	0		20	0	10		24	3	5	5	20	2	2	5
YARDS and BOWSPRITS to pay as Mafts																			
TURPENTINE the Cwt. containing 112lb.	0	10	0																
IRON, Unwrought, the Ton	7	0	0	41	8	9		38	14	7		42	17	2	5	38	15	11	5
RICE, the Hundred Weight containing 112lb.	1	6	8	28	8	9		25	14	7		29	17	2	5	25	15	11	5
GINGER, the Hundred Weight containing 112lb.	1	0	0	56	14	11	$13\frac{1}{3}$	54	0	9	$13\frac{1}{3}$	58	3	4	$18\frac{1}{3}$	54	2	1	$18\frac{1}{3}$
PIMENTO, the Pound	0	0	6	34	2	9		31	8	4		35	10	11	5	31	9	8	5
POT ASH and PEARL ASH { Imported with proper certificates free																			
But on failure thereof, then to pay the Barrel, containing 200lb. weight	1	5	0	16	5	0		0	0	0		16	5	0		0	0	0	
HOPS, the hundred Weight, containing 112lb.	15	0	0	40	19	1		28	2	7	$6\frac{2}{3}$	42	7	5	5	28	3	11	$11\frac{2}{3}$

COPPER

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
COPPER ORE	The Hundred Weight containing 112lb.	0	2	6	28	8	9		25	14	7		29	17	2	5	25	15	11	5
RAW SILK	Imported with proper Certificates, free But on Failure thereof then to pay, the Pound containing 24 Ounces; no part of which Duty, if paid, shall be drawn back upon the Exportation of such Raw Silk	0	0	0	0	1	5	1¼	0	1	1	16¼	0	1	5	1¼	0	1	1	26¼
WHALE FINS,	Taken in any part of the Ocean by, and imported in any Ship or Vessel truly and properly belonging to his Majesty's Subjects of Great Britain, Ireland, or the Islands of Guernsey, Jersey, or Man																			
	Taken by any Ship belonging to any of his Majesty's Colonies or Plantations, and imported in such Shipping, the Tun	50	0	0	5	13	9	0	2	19	7		5	18	9		2	19	7	
	Taken in Shipping belonging to any of his Majesty's Colonies or Plantations, and imported in Shipping belonging to Great Britain and Ireland, the Ton	50	0	0	2	16	10	20	1	9	9	10	2	16	10	10	1	9	9	10

OIL

		l.	s.	d.	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20	l.	s.	d.	20
OIL.	Made of Fish or any other Creature living in the Seas, caught in any Ship or Veſſel, truly and properly belonging to Great Britain and Ireland, and imported in ſuch Ships																			
	The Ton	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRAIN OIL or BLUBBER of any of his Majeſty's Colonies and Plantations.	Taken by any Ship belonging to any of his Majeſty's Colonies and Plantations, and imported in ſuch Ships.	0	0	0	11	7	6		8	13	4		11	7	6		8	13	4	
	Taken by any Shipping belonging to any of his Majeſty's Colonies and Plantations, but imported in Shipping belonging to Great Britain and Ireland.	0	0	0	8	10	7	10	7	3	6	10	8	10	7	10	7	3	6	10

A SCHEDULE

No. 2.

A SCHEDULE of the Rates of the ſeveral Articles following, according to which a Duty ſhall be paid on their Exportation out of this Kingdom, if ſuch Goods ſhall have been imported from the *Britiſh* Colonies in *America*, the *Weſt Indies*, or the *Britiſh* Settlements on the Coaſt of *Africa*; the ſaid Duties to be in Lieu and full Satisfaction of all Duties now payable by Law for the ſame.

		Rate			
INDIGO	per lb.	£	0	3	4
FUSTICK WOOD	per Cwt.		0	5	0
BRASIL WOOD	per Cwt.		1	15	0
BRAZILETTO or JAMAICA WOOD	per Cwt.		1	3	8
NICORAGO WOOD	per Cwt.		0	8	0
GUINEA or RED WOOD	per Cwt.		1	10	0
SAPAN WOOD	per Cwt.		0	10	0
LOGWOOD, unleſs in Britiſh or Iriſh Shipping, in which Caſe ſuch Logwood may be exported Duty free	per Cwt.		2	0	0

From 25 Dec. 1781 to 25 Dec. 1783 additional duty on herrings except Britiſh, 2s. per barrel 32 gallons,

LVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 15. *ſect.* 19. There ſhall be granted, raiſed, levied, collected, and paid to your Majeſty, your heirs and ſucceſſors, from twenty-fifth December one thouſand ſeven hundred and eighty one, to twenty-fifth December one thouſand ſeven hundred and eighty three incluſive, for all herrings, except Britiſh, imported, a further net additional duty, over and above all other duties impoſed thereupon heretofore, or by any act or acts this ſeſſion, after rate of two ſhillings each barrel, containing thirty two gallons, and ſo in proportion for greater or leſs quantity; and for all playing cards imported during ſaid time, an additional duty after rate of one ſhilling each pack.

cards, 1s. each pack.

Said duties raiſed as by 14 & 15 C. 2. c. 8. or other exciſe law,

LVIII. *ſect.* 21. All additional duties, rates and impoſitions, hereby granted upon herrings and cards, ſhall be raiſed, anſwered, levied, collected and paid, at ſame time, in like manner, by ſuch ways and methods, rules and directions, penalties and forfeitures, and ſuch powers as appointed by an act fourteenth and fifteenth of Charles the ſecond, or by any other law in force relating to revenue of exciſe, as fully and effectually to all intents as if particularly expreſſed and enacted again in this act, with like remedy of appeal as by ſaid act of exciſe or any other law now in being relating to duties of exciſe is provided.

with like appeal.

From 25 Dec. 1781 to 25 Dec. 1783, 5l. on admiſſion to King's Inns.

LIX. *ſect.* 22. There ſhall be granted, raiſed, levied, collected and paid to your Majeſty, your heirs and ſucceſſors, from twenty fifth December one thouſand ſeven hundred and eighty one, to twenty fifth December one thouſand ſeven hundred and eighty three incluſive, for and upon every piece of vellum, parchment, and paper, on which ſhall be engroſſed or written the admiſſion of any ſtudent or barriſter into the ſociety of King's Inns, five pounds.

Paid to the treaſurer, applied as by the ſociety,

LX. *ſect.* 23. The money from ſaid duty on admiſſion into King's Inns, ſhall be paid to treaſurer of ſaid ſociety, to be applied as directed by ſaid ſociety.

levied as by 21 & 22 G. 3. c. 3.

LXI. *ſect.* 24. Said duty of five pounds upon admiſſion of ſuch ſtudent or barriſter ſhall be raiſed, anſwered, levied, collected and paid at ſame time, in like manner, and by ſuch ways and methods, rules and directions, penalties and forfeitures, and with ſuch powers, as by an act this ſeſſion, *for granting ſeveral duties upon ſtamped vellum, parchment and paper*, as fully and effectually to all intents as if particularly expreſſed and enacted again in this act.

Import of and from St. Chriſtopher's, Nevis, or Montſerrat in Britiſh Iriſh, or neutral veſſels allowed on like duties as if from Britiſh iſlands.

LXII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 55. *ſect.* 1. It ſhall be lawful to import in Britiſh, Iriſh, or neutral veſſels from Saint Chriſtophers, Nevis and Montſerrat any goods of growth, produce, or manufacture of ſaid iſlands into any part of this kingdom, and the goods ſhall be admitted to entry on payment of ſame duties to which they would have been ſubject, if from any of the Britiſh Weſt India iſlands on board Britiſh or Iriſh ſhips navigated according to law; any law, uſage, or cuſtom to the contrary notwithſtanding.

Oath of growth, &c. or ſame duties as if foreign.

LXIII. *ſect.* 2. The importer ſhall make oath before the collector or comptroller, that to the beſt of his knowledge or belief the goods ſo imported are really and *bona fide*, growth, produce, or manufacture of ſaid iſlands, and in default of ſuch oath the goods ſhall be ſubject to ſame duties as if imported from any foreign Weſt India iſlands; any law or ſtatute to contrary notwithſtanding.

I. *Engl. Statutes* [illegible] *Charta*, 1 *Hen.* 3. *cap.* 9. The church of England shall be free, and shall have all her rights and liberties inviolable. Freedom of the church.

II. *Eng. Stat. Westm.* 1. 3 *Edw.* 1. *cap.* 1. The peace of holy church and of the land shall be kept, and common right done to all. Peace of the church.

III. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 3. If any lay violent hands on a clerk, the amends for the peace broken shall be before the King, and for the excommunication before a prelate, that bodily penance may be imposed, which if the offender will redeem by money to be given to the prelate, or to the party aggrieved, it may be demanded before the prelate. Violent hands on a clerk.

IV. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 6. When the same cause is moved before judges ecclesiastical and seculer upon divers accounts, the King's court shall discuss the matter notwithstanding the ecclesiastical judgment. Temporal jurisdiction.

V. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 13. Of the fitness of a person presented to an ecclesiastical benefice, the examination belongeth to the ecclesiastical judge. Examination of clerks.

VI. *Eng. Stat.* 18 *Edw.* 3. *stat.* 3. *cap.* 6. Commissions to justices to make inquests upon judges of holy church, whether they make just process in causes testamentary and others which notoriously belong to their cognisance, shall be forbidden, saving the article in eyre. Inquests of judgments.

VII. *Eng. Stat.* 25 *Edw.* 3. *stat.* 3. *cap.* 8. The justices shall receive the challenges made by prelates of the cognizance of voidance of benefices. Challenges of prelates.

VIII. *Eng. Stat.* 50 *Edw.* 3. *cap.* 1. Holy church shall have all her liberties without disturbance. Liberties of church.

IX. *Eng. Stat.* 50 *Edw.* 3. *cap.* 5. Persons of holy church, whilst they attend divine service in churches, church-yards, and other places dedicated to God, shall not be arrested by royal authority or commandment of temporal lords, in offence of the liberty of holy church upon grievous forfeiture, so as collusion be not found in the said persons of holy church. Clerks not to be arrested, &c.

X. *Eng. Stat.* 1 *Ric.* 2. *cap.* 13. Where people of holy church pursuing in the spiritual court for tithes and other things, which of right pertain to the spiritual court, and the judges of holy church, and other persons be maliciously for this cause indicted and oppressed, and inforced by obligations to desist against the liberties of holy church, all such obligations made by duress, shall be of no value. Obligations to desist, &c.

(2) And as to those that by malice procure such indictments after the indictees be acquit, such procurers shall incur the pain contained in the statute of Westminster 2. of those which procure false appeals. And the justices before whom such indictees shall be acquit, shall have power to inquire of such procurers, and to punish them. Malicious indictments.

Plea in the secular court.

XI. *Eng. Statut. 1 Ric. 2. cap. 14.* At what time any person of the holy church be drawn in plea in the secular court for his tithes, by the name of goods taken away, and he maketh an exception, or alledgeth that the business is only upon tithes due to his church, or to another his benefice, in such case the general averment shall not be taken without shewing specially, how the same was his lay-chattel.

Arresting in Churches, &c.

XII. *Eng. Stat. 1 Ric. 2. cap. 15.* If any shall arrest any person of holy church in churches or church-yards, against the liberty of holy church, and thereof be convict, he shall have imprisonment, and be ransomed at the King's will, and make agree to the parties; provided that the people of holy church shall not hold them within the churches or sanctuaries by collusion.

Chastising priests.

XIII. *Eng. Stat. 1 Hen. 7. cap. 4.* It shall be lawful to all having episcopal jurisdiction, to chastise priests convicted before them by examination or proof requisite by the law of the church, of any fleshly incontinency, by committing them to prison, and none of the said ordinaries shall be thereof chargeable upon action of false imprisonment.

Recital.

XIV. *Eng. Stat. 37 Hen. 8. cap. 17. sect. 3.* Forasmuch as *the King* is the only supreme head of the church of England, and also of Ireland, to whom all power is wholly given to hear and determine all causes ecclesiastical, and to such persons as *the King* shall appoint thereunto, in consideration thereof.

Doctors of law, &c.

XV. *sect. 4.* Doctors of the civil law made chancellor, vicar-general, commissary official scribe or register by the King, or by any bishop, archdeacon, or other having authority under the King, may exercise ecclesiastical jurisdiction, albeit they be lay.

Revived 1 Eliz. cap. 1.

Foreign jurisdiction.

XVI. *Stat. 2 Eliz. cap. 2 sect. 6.* No foreign prince or potentate spiritual or temporal, shall exercise any jurisdiction spiritual or ecclesiastical within this realm.

Annexed to the Crown.

XVII. *sect. 7.* Such jurisdiction as by any spiritual or ecclesiastical power or authority hath heretofore been, or may lawfully be exercised for the visitation of the ecclesiastical state and persons, and for reformation, order and correction of the same, and of all manner, errors, heresies, schisms, abuses, offences, contempts, and enormities, shall be united and annexed to the imperial crown of this realm.

Commission by letters-patent.

(2) And *the* Kings or Queens of this realm shall have authority by letters patent under the great seal of England, or of this realm, and the lord deputy and other governors of this realm, shall have likewise authority by letters patent to be made by their warrants under the great seal of this realm, to authorize as often and for such time as shall please *the Queen, her* heirs or successors, or the lord deputy or governors of this realm, persons being natural born subjects, to exercise all manner of spiritual or ecclesiastical jurisdiction within this realm, and visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever, which by any spiritual or ecclesiastical jurisdiction may lawfully be reformed, &c.

Power of commissioners.

(3) And such persons so to be authorized and appointed by *the Queen, her* heirs or successors, or by the lord deputy or governors of this realm in manner aforesaid,

aforeſaid, after the ſaid letters patent to them made and delivered, ſhall have authority by virtue of this act and of the ſaid letters patent, to exerciſe all the premiſſes according to the tenor and effect of the ſaid letters patent. *Eng. Stat.* 1 *Eliz. cap.* 1.

XVIII. *Stat.* 17 & 18 *Car.* 2. *cap.* 10. All perſons having any biſhoprick, benefice, or other eccleſiaſtical promotion in England or Wales, ſhall, during the time of his holding the ſame, be incapable of his holding any biſhoprick or other eccleſiaſtical benefice, &c. in Ireland. Holding benefices in England.

(2) And all grants and preſentations of any biſhopricks or other eccleſiaſtical dignities, benefices or promotions in this kingdom to any perſons, at the time of ſuch grant or preſentation having any biſhoprick or other eccleſiaſtical benefice, &c. in England, ſhall be void, and it ſhall be lawful for the King, and all other patrons and donors of the ſaid biſhopricks or benefices, &c. to grant, preſent, or collate to the ſame, as if the ſaid perſons were dead or had reſigned. Grants void.

(3) And if any perſons having any biſhoprick or other eccleſiaſtical benefice, &c. in Ireland, ſhall accept of, hold, or enjoy any biſhoprick, or other eccleſiaſtical benefice, &c. in England or Wales, immediately after ſuch acceptance thereof, all former grants and preſentations of any biſhopricks, or other eccleſiaſtical promotions, &c. in Ireland, ſhall be void, in ſuch manner as if ſuch biſhop, incumbent, or dignitary had died or reſigned, any licence or other diſpenſation, to the contrary hereof, to be obtained notwithſtanding, &c. Accepting a benefice in England.

XIX. *Stat.* 6 *Geo.* 1. *cap.* 13. *ſect.* 1. If any rector or vicar having cure of ſouls, ſhall nominate any curate to the ordinary to be admitted to ſerve the cure of ſuch rector or vicar in his abſence, the ordinary having regard to the greatneſs of the cure, and the value of the eccleſiaſtical benefices of ſuch rector or vicar, ſhall, on or before the granting of licence, appoint by writing under his hand and ſeal a ſufficient certain ſtipend, not exceeding fifty pounds *per annum*, nor leſs than twenty pounds *per annum*, to be paid at ſuch times as he ſhall think fit, by ſuch rector or vicar to ſuch curate for his ſupport, where there is a church already, or where a church hereafter ſhall be built. Allocating ſalaries.

(2) And in caſe any difference ſhall ariſe between any rector or vicar, and his curate, touching ſuch ſtipend or the payment thereof, the ordinary, on complaint to him made, ſhall ſummarily determine the ſame; and in caſe of neglect or refuſal to pay ſuch ſtipend, may ſequeſter the profits of ſuch benefice for and until payment thereof. Sequeſtration of benefice.

XX. *ſect.* 2. Provided that where any incumbent ſhall be intitled to, and poſſeſſed of more benefices with cure, than *one* by virtue of any epiſcopal union, which ſhall be made after the twenty fifth day of March one thouſand ſeven hundred and twenty, which lie contiguous, and the extent of them doth not exceed three miles from the church where the ſaid union is ſerved, it ſhall be lawful for the biſhop to appoint one curate, and no more for ſuch benefices. *Brit. Stat.* 12 *Ann. ſtat.* 2. *cap.* 12. One curate and no more.

XXI. *Stat.* 1 *Geo.* 2. *cap.* 22. *ſect.* 1. It ſhall be lawful for every biſhop at the time of his licenſing any curate, or any perſon in holy orders, by any other title or denomination, to aſſiſt the incumbent of any pariſh by whom he ſhall be nominated, by writing under his hand and ſeal to appoint a ſufficient certain ſtipend, not exceeding fifty pounds *per annum*, nor leſs than ten pounds Salary to a curate aſſiſtant.

per annum, to be paid at ſuch times as he ſhall think fit, by ſuch incumbent to every ſuch curate, &c. ſo nominated and licenſed for his ſupport.

Appointment of a ſtipend.

(2) And if it ſhall appear to any biſhop or other ordinary of any dioceſe upon complaint or otherwiſe, that any curate or perſon licenſed, or hereafter to be licenſed, to aſſiſt the incumbent of any pariſh within the dioceſe hath not a ſufficient maintenance, it ſhall be lawful for the ordinary upon ſummoning the parties concerned to appear before him, and hearing them in caſe they ſhall appear, or in default of appearance of either of them, to appoint to every ſuch curate or aſſiſtant a ſufficient certain ſtipend in like manner as before is mentioned.

Summary determination.

(3) And in caſe any difference ſhall ariſe between any incumbent and his curates or aſſiſtants, touching ſuch ſtipend or the payment thereof, the ordinary upon complaint, ſhall ſummarily determine the ſame, and in caſe of neglect or refuſal to pay ſuch ſtipend or allowance, may ſequeſter the profits of the benefice for and until payment thereof. *Brit. Stat.* 12 *Ann. ſtat.* 2. *cap.* 12.

Qualification of incumbents.

XXII. *Stat.* 31 *Geo.* 2. *cap.* 11. *ſect.* 8. It ſhall be lawful for every clerk, collated, inſtituted, and inducted to two or more benefices united, to perform all things requiſite for further qualifying or intitling himſelf, in full right, to all and every benefice within ſuch union, in ſuch church or churches as are remaining within the ſame, wherein divine ſervice is uſually celebrated.

Performance of requiſites.

(2) And his having performed all ſuch requiſites in ſuch church or churches then remaining, ſhall be as effectual to all intents, for qualifying and intitling, in full right, ſuch clerk to all and every benefice within ſuch union, as if the ſame had been performed in each and every church, or in each and every ſite, or ruins of a church within the ſame.

Retroſpect to former acts.

XXIII. *ſect.* 9. Provided, that nothing in this act ſhall be conſtrued to intitle, qualify, or reſtore any clerk, who by non-performance of all or any ſuch requiſites, hath already incurred the penalties, forfeitures, or avoidances of any former acts.

Egyptians.

Vagabonds, &c.

I. *Stat.* 10 & 11 *Car.* 1. *cap.* 4. *ſect.* 8. All ſuch as wandering pretend themſelves Egyptians, or wander in the habit, form, or attire of counterfeit Egyptians, ſhall be adjudged and deemed rogues, vagabonds and ſturdy beggars, and ſhall be puniſhed according to 33 *Hen.* 8. *c.* 15. (which ſee *Tit.* **Vagabonds**) or otherwiſe *dealt with by ſending them* to the houſe of correction in the county where they ſhall be found, as *to* any one or more juſtices of the peace of the ſaid county ſhall be thought fit.

Elections.

Diſturbing elections.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 5. No great man, or other, by force of arms, nor by threats, ſhall diſturb any free election to be made, upon great forfeiture.

Elections to be free.

II. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 4. If any dignity be vacant where election is to be made, the election ſhall be freely made according to the ſtatutes.

III. *Eng.*

III. *Eng. Stat.* 9 *Hen.* 4. *cap.* 9. All elections of all archbiſhopricks, biſhopricks, deaneries and other dignities, or any other elections, ſhall be free, without being interrupted by the pope, or by commandment of the King. Provided that the King have as freely his liberties and prerogatives as any of his progenitors hath had. Pope or King.

IV. *Stat.* 15 & 16 *Geo.* 3. *cap.* 16. *ſect.* 1. Whereas the idleneſs and diſſipation by the length of time frequently ſpent in the poll at elections for members are productive of many evils, and of dangerous tendency to the freedom of election: in all caſes where the election cannot be determined upon view, and a poll demanded, the ſheriff or returning officer or officers, on every election, whenever upon the laſt or any former election the number of electors have exceeded four hundred, ſhall, before commencement of the poll appoint one deputy to take the poll under him or them, at ſame time, and in ſame court houſe, or if not convenient room therein, in the neareſt convenient place; and ſhall not, during ſuch election, adjourn for any longer time than from day to day, except from Saturday to Monday, unleſs with conſent of all the candidates; and every ſheriff and returning officer, and every deputy, ſhall, before he proceed to take the poll, take and ſubſcribe in open court, if required by any elector, the oath following, which any elector is impowered to adminiſter.

When on former election the number of electors exceed 400, a deputy appointed by the officer to take the poll under him before commencement of the poll;

adjourn only from day to day, unleſs all candidates conſent.

I do *ſwear, That I will honeſtly and impartially, without favour to any candidate, take the poll at this election; and that I have not directly or indirectly received, nor will hereafter receive, any money, gift, reward, promiſe, contract, or ſecurity for money, or other reward, for or in reſpect of the conduct I ſhall obſerve during the enſuing poll, or the return I ſhall make at the cloſe thereof*; which laſt words, *or the return I ſhall make at the cloſe thereof*, ſhall be omitted, when the oath is adminiſtered to a deputy, and inſtead thereof ſhall be inſerted theſe: *and that I will make a fair and true return of the poll to be by me taken, to the returning officer, who has appointed me, whenever and as often as I ſhall be thereunto required by him.*

Oath by officer and deputy if required by any elector.

V. *ſect.* 2. Every returning officer, who ſhall have appointed a deputy, may from time to time during the poll, as he ſhall think proper, remove and appoint another deputy in his room; and ſuch deputy ſhall, upon notice given to him by the returning officer each day, cloſe his poll book, and deliver in the ſame immediately to ſaid officer, who ſhall tot up therefrom the number of votes polled on ſaid day for each candidate, and cauſe the tot thereof for each to be read aloud, and entered in his poll book in open court; and if ſuch deputy ſhall refuſe to deliver his poll book, when required by returning officer, or continue to take the poll after directed by him to ſtop, and before again directed by him to proceed, or after his deputation revoked, he ſhall forfeit five hundred pounds; (to be recovered by any perſon who will ſue in any courts of record, to and for the uſe of ſuch perſon ſuing) and every vote admitted by him after ſuch refuſal, direction to ſtop, or revocation, ſhall be null and void to all intents; but the perſon, who gave ſuch vote, is not thereby diſabled to give his vote at ſuch election before the ſheriff or other returning officer.

Deputy removeable at pleaſure;

to cloſe poll book on notice by and deliver it to the officer each day;

votes for each totted, read aloud, and entered;

deputy refuſing poll book, or continuing to poll contrary to direction, penalty 500l to proſecutor,

votes admitted after void;

but may be given before the officer.

VI. *ſect.* 3. Provided ſuch removal and new appointment of a deputy, and ſuch notices to cloſe the poll and deliver up the book, ſhall be made publickly

Such removal, appointment, and notice publick.

lickly and proclaimed in the place, where ſuch deputy reſpectively ſhall take the poll, by the ſheriff or under ſheriff, or ſome perſon appointed for that purpoſe by the ſheriff.

On riot poll not cloſed, but adjourned till diſturbance ceaſed;

VII. *ſect.* 4. If any perſon violently and outrageouſly diſturb the court or other aſſembly duly holden for the election, or interrupt the proceeding of the poll, ſuch diſturbance or riot ſhall not be any excuſe to the returning officer, nor afford him any pretence for cloſing the poll, or making a return; but the court, or other ſuch aſſembly, ſhall thereupon be adjourned for ſome convenient time, as the occaſion may require; and if neceſſary, further continued by adjournment, from time to time, till ſuch diſturbance ceaſed, when ſuch returning officer ſhall return, and again proceed on taking the poll; and

on conviction of diſturbance, effacing or deſtroying books, taking or ſecreting them or the writ, felony, tranſportation 7 years.

every perſon, convicted of having violently and outrageouſly diſturbed the court, ſo as to interrupt proceeding of the poll, or of having wilfully effaced, obliterated, torn, altered, or deſtroyed the whole or any part of the poll book of the returning officer, or his deputy, whereon any thing relative to ſaid election entered, or of having forcibly or fraudulently taken or ſecreted the ſame, or any ſuch part thereof, or the writ or precept for holding ſuch election, ſhall be adjudged guilty of felony, and tranſported ſeven years to ſome one of his majeſty's plantations abroad.

Officer not to return more than by writ required; has a caſting voice on equality; returning more 2000l. and incapable to vote.

VIII. *ſect.* 5. No ſheriff or returning officer ſhall, upon any pretence, return more than the number of perſons, by his writ or precept required; and in caſe of an equality of voices for any two or more candidates upon the cloſe of the poll, he ſhall be at liberty to give his caſting voice, whether otherwiſe legally qualified to vote or not at ſuch election; and if any ſheriff or returning officer ſhall return more than the number by his writ or precept directed, and convicted thereof in any court, he ſhall forfeit two thouſand pounds to the perſon who proſecuted him to conviction, and adjudged incapable of ever after voting at any election for members in parliament.

Voters if required ſhall declare if their freehold conſiſts in rent charge;

IX. *ſect.* 6. Whereas permitting perſons to vote by virtue of rent charges of a ſmall yearly value is a great inlet to perjury, and tends to deſtroy the freedom of elections; every perſon tendering his vote as a freeholder at any election, ſhall, before admitted to poll, declare, if required, whether his freehold conſiſts in rent charge; and no perſon ſhall have a right to vote, nor

no rent charge under 20l. admitted.

ſhall be admitted by any returning officer to poll at any election by virtue of a freehold, conſiſting of a rent charge of a leſs yearly value than twenty pounds; any law, ſtatute, uſage, or cuſtom to the contrary notwithſtanding.

No fee farm a rent charge.

X. *ſect.* 7. Provided no fee farm rent deemed a rent charge within the meaning of this act.

XI. *ſect.* 8. Every perſon offering to vote at any election as a freeholder ſhall, before admitted to poll, if required by any other elector, take one of the oaths or affirmations following; if his freehold ſhall not conſiſt of a rent charge, then he ſhall take the following oath, (or affirmation, if a quaker:)

Freeholder's oath, if required.

I *of* *in the county, city, or town of* (as the caſe ſhall be) *do ſwear*, (or if a quaker, do ſolemnly and truly affirm) *that I am a freeholder, and have a freehold conſiſting of land or lands, or of a tenement or tenements, or hereditaments*, (as the caſe ſhall happen) *lying or being at* *in the county, city, or town of* (as the caſe ſhall be) *of the clear yearly value of forty ſhillings at the leaſt, above all charges payable out of the ſame; and that I did not receive the ſame, nor was the ſame granted to me, fraudulently in exchange for a freehold*

freehold in this or any other county; and that I have been for ſix calendar months, previous to the day of the teſt of the writ, or precept for holding this election, in the actual poſſeſſion of the ſaid freehold or in the receipt of the rents or profits thereof; and that I have not been polled before at this election. So help me God.

But if his freehold ſhall conſiſt of a rent charge, then he ſhall take the following oath, or affirmation, if a quaker:

Oath if a rent charge.

I of in the county, city, or town of (as the caſe ſhall be) *do ſwear, That I am a freeholder, and have a freehold conſiſting of a rent charge upon land or lands, tenement or tenements, hereditament or hereditaments, or all or any of them* (as the caſe ſhall be) *lying and being at in the county, city, or town of* (as the caſe ſhall be) *of the clear yearly value of twenty pounds, above all charges payable out of the ſame; and that I did not receive the ſame, nor was the ſame granted to me, in exchange for a freehold in this or any other county; and that I was in poſſeſſion of the ſaid rent charge, and had a right to receive, and did receive, to my own uſe, one year's rent at the leaſt, ariſing therefrom, twelve calendar months, at the leaſt, before the preſent vacancy happened; and that I have not refunded, nor will I refund, any part thereof; and that I have not been polled before at this election.*

Inſtead of oath by 21 G. 2. c. 10. ſ. 3.

And the ſaid oaths or affirmations reſpectively, as the caſe ſhall require, ſhall be adminiſtered and taken in lieu and ſtead of the oath or affirmation required by a certain act the twenty firſt of George the ſecond.

XII. *ſect.* 9. Provided if the freehold, whether a rent charge or other eſtate, by virtue of which any perſon ſhall tender his vote, ſhall have come by marriage, marriage ſettlement, deſcent, preſentation to a benefice, deviſe, or promotion to ſome office, to which ſuch freehold annexed, then the words in the firſt oath, *and that I have been for ſix calendar months, previous to the day of the teſt of the writ or precept for holding this election, in the actual poſſeſſion of the ſaid freehold, or in the receipt of the rents and profits thereof*; or the words in the laſt oath, *and that I was in poſſeſſion of the ſaid rent charge, and had a right to receive, and did receive to my own uſe, one year's rent at the leaſt ariſing therefrom, twelve calendar months at the leaſt before the preſent vacancy happened*, ſhall be omitted, if the perſon tendering his vote ſhall deſire it, and inſtead thereof ſhall be inſerted in which ever of ſaid oaths ſuch perſon ſhall take, *and that the ſaid freehold came to me by marriage, marriage ſettlement, deſcent, deviſe, preſentation to a benefice, or by promotion to ſome office, to which ſuch freehold is affixed* (as the caſe ſhall be) *before the preſent vacancy happened*; and if any elector ſhall require, the following words ſhall be added to ſuch oaths reſpectively; *and that I am not a papiſt, nor married to a papiſt, and I do not educate, or ſuffer to be educated, any of my children under the age of fourteen years in the popiſh religion; and that I am of the age of twenty one years, as I verily believe.*

Oath where the freehold by marriage, ſettlement, deſcent, deviſe, preſentation, or promotion.

XIII. *ſect.* 10. Provided, where a convert from popiſh to proteſtant religion ſhall tender his vote upon any election, the words, *married to a papiſt*, ſhall be omitted, and the following words inſerted, if required, by ſuch convert, *nor have I ſince my conformity to the proteſtant religion married any papiſt now living.*

Convert's oath.

XIV. *ſect.*

Where regiſtry required, oath not adminiſtered till ſhewn.

XIV. *ſect.* 11. Provided every ſheriff, or returning officer, or deputy, ſhall have full power and authority to adminiſter the reſpective oaths or affirmations in this act, but not to any perſon whoſe freehold is by the acts now in force required to be regiſtered, until it ſhall appear, ſuch freehold had been duly regiſtered in manner thereby preſcribed.

Oath of inhabitants in boroughs, inſtead of the oath by 3 G. 3. c. 13. ſ. 5.

XV. *ſect.* 12. No perſon ſhall be admitted to vote as an inhabitant on any election for any borough where the right of voting veſted in the proteſtant inhabitants in general, or in the freeholders or inhabitants, until ſuch perſon ſo tendering his vote, in caſe of any objection made thereto by any elector, ſhall take the following oath, or, if a quaker, affirmation, inſtead of the oath directed by an act the third of his preſent majeſty.

I do ſwear, or (if a quaker) do affirm, that I am an inhabitant of (here naming the place where ſuch election is) and that my houſe is ſituated in and my next neighbours are and I have been an inhabitant of the ſaid borough for theſe ſix months laſt paſt, and that I am not, nor have I been within theſe ſix months laſt paſt an inmate or lodger with any other perſon in ſaid borough, but have paid the uſual and cuſtomary taxes and ceſſes in ſaid borough as an houſeholder, which have been legally demanded of me; and that I did not divide my houſe in order to multiply votes at this election; and that I did not come to reſide in ſaid borough, ſince the preſent vacancy happened, nor in order to give my vote at this election.

So help me God.

Oath of age; not a papiſt, &c.

And if any candidate, or any perſon having a right to vote, require, theſe words ſhall be added; *and that I am of the age of twenty one years, as I verily believe*; (and if in like manner required, the following words alſo added) *and that I am not a papiſt, nor married to a papiſt, and do not educate, or ſuffer to be educated, any of my children under the age of fourteen years in the popiſh religion*; provided, if a convert from popiſh religion ſhall tender his vote, inſtead of theſe words *(nor married to a papiſt)* ſhall be inſerted, *nor have I, ſince my conformity to the proteſtant religion, married any papiſt now living.*

by converts.

adminiſtered at any elector's requeſt; vote not admitted before oath; concluſive to officer; no further ſcrutiny.

Which oath or affirmation the ſeneſchal or returning officer of ſuch borough, deputy or deputies, appointed as aforeſaid, is impowered and directed to adminiſter to ſuch voter at requeſt of any elector; and on ſuch voter ſo taking the ſaid oath, or if a quaker, affirmation, then, and not before, ſuch ſeneſchal or returning officer ſhall admit ſuch vote; and ſaid oath or affirmation ſhall be abſolutely final and concluſive evidence to the ſeneſchal or returning officer, or deputy, that the perſon is qualified to vote at ſuch election; and no ſuch voter ſhall be liable to any further ſcrutiny or examination whatſoever before ſuch ſeneſchal or returning officer, or deputy, on any ſuch election.

Penalties for perjury.

XVI. *ſect.* 13. If any ſheriff or returning officer, or deputy, elector, or perſon taking the oath or oaths, or affirmation before mentioned, or any of them, ſhall be guilty of wilful and corrupt perjury, or falſe affirming, he ſhall and may be proſecuted by indictment, or otherwiſe, as perjury in any court of record may now be proſecuted; and being convicted, ſhall incur and ſuffer the pains and penalties, by law inflicted in caſes of wilful and corrupt perjury.

After teſt of writ of ſummons no preſent, reward or entertainment to voters;

XVII. *ſect.* 14. No perſon hereafter elected for any county, city, town, or borough, after teſt of writ of ſummons, upon the calling or ſummoning of any parliament

parliament hereafter, ſhall, by himſelf, his friends, or agents, or any employed on his behalf, and at his coſt and charge, before his election for any county, city, town or borough, directly or indirectly give, preſent, or allow to any perſon or perſons having voice or vote in ſuch elections, any money, meat, drink, entertainment, or proviſion, or make any preſent, gift, reward, or entertainment, or ſhall at any time hereafter make any promiſe, agreement, obligation, or engagement, to give or allow any money, meat, drink, proviſion, preſent, entertainment, or reward, to or for any ſuch perſon or perſons in particular, or to any ſuch county, city, town, or borough in general, or to or for the uſe, advantage, benefit, employment, profit or preferment of any ſuch perſons, or places, in order to be elected, or for being elected, for ſuch county, city, town, or borough.

no promiſe or agreement.

XVIII. *ſect.* 15. Every perſon ſo giving, preſenting, or allowing, making, promiſing, or engaging, doing, acting, or proceeding, ſhall be diſabled, and incapacitated upon ſuch election to ſerve in parliament for ſuch county, city, town, borough, or place; and ſhall be deemed and taken not to be members, nor ſhall act, ſit, or have any vote or place in parliament, but ſhall be to all intents, conſtructions, and purpoſes, as if never returned or elected members for the parliament.

Incapacitated to ſerve in parliament.

Emblements.

I. *Eng. Stat.* Mert. 20 *Hen.* 3. *cap.* 2. Widows may bequeath the crop of their ground as well of their dowers as of their other lands, ſaving to the lords of the fee all ſervices due.

Widows may bequeath.

II. *Eng. Stat.* 28 *Hen.* 8 *cap.* 11. *ſect.* 6. In caſe the incumbent die, and before his death hath cauſed any of his glebe lands to be manured and ſown with corn, he may make his teſtament of the profits of the corn.

Incumbents dying.

Entry.

I. *Stat.* 10 *Car.* 1 *ſeſſ.* 2. *cap.* 7. The dying ſeized of any diſſeſſor, having no right or title ſhall not be ſuch diſcent in law to take away the entry of ſuch, as at the time of the diſcent had lawful title of entry, except ſuch diſſeiſor hath had peaceable poſſeſſion five years next after the diſſeiſin committed, without entry or continual claim of ſuch perſons as have lawful title. *Eng. Stat.* 32 *Hen.* 8. *cap.* 33.

Poſſeſſion of diſſeiſor.

Error.

I. *Eng. Stat.* 31 *Edw.* 3. *ſtat.* 1. *cap.* 12. Where a man complaineth of error in the exchequer, the chancellor and treaſurer ſhall cauſe to come before them in any chamber of council nigh the exchequer, the record of the proceſs, taking to them the juſtices and other ſage perſons, and ſhall cauſe to be called before them the barons of the exchequer, to hear the cauſes of their judgments; and if error be found, they ſhall correct and amend the rolls, and ſend them into the exchequer to make execution.

Error in the Exchequer.

Attaint and writ of error.

II. *Eng. Stat.* 9 *Rich.* 2. *cap.* 3. *ſect.* 1. If tenant for term of life, tenant in dower, tenant by the curteſy, or tenant in tail after poſſibility be impleaded, and plead to inqueſt, and loſe by the oath of twelve, or loſe by default, or in other manner, he to whom the reverſion pertaineth at the time of ſuch judgment given, his heirs and ſucceſſors, ſhall have an attaint, and alſo a writ of error, as well in the life of ſuch tenants as after their death.

Judgment reverſed.

(2) And if ſuch judgment be reverſed, or ſuch falſe oath be found, the tenant that did loſe by the firſt judgment, if he be in life, ſhall be reſtored to his poſſeſſion with the iſſues in the mean time, and the party purſuing to the arrearages of the rent, if any be due. And if ſuch tenant be dead, reſtitution ſhall be made to the party purſuing with the iſſues after the death of the tenant, together with the arrearages of the rent, if any were due.

Reſtitution of iſſues, &c.

III. *ſect.* 2. Provided that although the tenant be in life, if the party purſuing will alledge, that the tenant was of covin, and of the aſſent of the demandant which recovered that ſuch tenements ſhould be loſt, reſtitution ſhall be made to the party purſuing, with the iſſues and arrearages, ſaving to ſuch tenant his action by *ſcire facias* out of the ſame judgment ſo reverſed or given in the writ of attaint, if he will traverſe the covin and aſſent.

Execution not to be ſtayed, &c.

IV. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 8. No execution ſhall be ſtayed by any writ of error, or *ſuperſedeas* thereupon, for the reverſing of any judgment in any action or bill of debt upon any ſingle bond for debt, or upon any obligation with condition for the payment of money only, or upon any action of debt for rent, or upon any contract, in any of the four courts of record, *viz.* chancery, king's-bench, common-pleas, and exchequer, unleſs ſuch perſon in whoſe name ſuch writ of error ſhall be brought, with two ſufficient ſureties, ſuch as the court wherein ſuch judgment is given ſhall allow of, ſhall firſt be bound unto the party for whom judgment is given, by recognizance to be acknowledged in the ſame court, in double the ſum adjudged to be recovered by the former judgment, to proſecute the ſaid writ of error with effect; and alſo to pay, if the ſaid judgment be affirmed, all the debts, damages and coſts adjudged upon the former judgment, and all coſts and damages to be alſo awarded for the delaying of execution. *Eng. Stat.* 3 *Jac.* 1. *cap.* 8.

Judges on complaints of errors.

V. *Stat.* 15 *Car.* 1, *cap.* 5. Upon complaint of errors in the exchequer, the lord chancellor and lord treaſurer, or in his abſence the vice treaſurer, ſhall have power to hear and determine ſuch errors, as by the ſtatute 31 *Edw. Stat.* 1. *cap.* 12. the lord chancellor and lord treaſurer were appointed to hear and determine.

No diſcontinuance.

(2) The not convening of the lord chancellor and lord treaſurer, or either of them, at the day of adjournment, in any ſuit of error depending by virtue of the ſaid eſtatute, ſhall not be any diſcontinuance of ſuch writ of error; but if both the chief juſtices of either bench, * or any one of the ſaid great officers, the lord chancellor or lord treaſurer, or the vice treaſurer, ſhall come to the exchequer chamber, and there be preſent at the day of adjournment in ſuch ſuit of error, it ſhall be no diſcontinuance. * *See Stat.* 8 *Geo.* 1. *cap.* 6. *par.* 15.

Judgment to be given.

(3) But the ſuit ſhall proceed as if both the lord chancellor and treaſurer had been preſent at the day and place of adjournment, and judgment ſhall be given by the lord chancellor, lord treaſurer, or vice-treaſurer in abſence of the lord treaſurer, and in the preſence and by the advice of both the chief juſtices of

of either bench † in any ſuch writ of error, and all ſuch judgments ſhall be good. *Eng. Stat.* 31 *Eliz. cap.* 1.

† *See Stat.* 1. *Geo.* 2. *cap.* 17. *par.* 16.

VI. *Stat.* 17 & 18 *Car.* 2. *cap.* 12. *ſect.* 3. No execution ſhall be ſtayed in any court *of record at* Dublin, by writ of error or *ſuperſedeas* thereupon, after verdict and judgment thereupon in any action perſonal, unleſs a recognizance, with condition according to the ſtatute made in the tenth year of King *Charles the firſt*, ſhall be firſt acknowledged in the court where ſuch judgment ſhall be given. Recognizance to be acknowledged.

(2) And in writs of error to be brought upon any judgment after verdict in any writ or dower, or in any action of *ejectione firmæ*, no execution ſhall be thereby ſtayed, unleſs the plaintiffs in ſuch writ of error ſhall be bound unto the plaintiff in ſuch writ of dower, or action of *ejectione firmæ*, in ſuch reaſonable ſum as the court to which ſuch writ of error ſhall be directed, ſhall think fit, with condition that if the judgment ſhall be affirmed in the ſaid writ of error, or that the ſaid writ of error be diſcontinued in default of the plaintiffs, or that the plaintiffs be nonſuit in ſuch writs of error, that the ſaid plaintiffs ſhall pay ſuch coſts, damages, and money, as ſhall be awarded upon ſuch judgment affirmed, diſcontinuance, or nonſuit had. Writs of error after verdicts.

VII. *ſect.* 4. The court wherein ſuch execution ought to be granted upon ſuch affirmation, diſcontinuance, or nonſuit, ſhall iſſue a writ to inquire as well of the mean profits, as of the damages by any waſte committed after the firſt judgment in dower or in *ejectione firmæ*, and upon the return thereof, judgment ſhall be given and execution awarded for ſuch mean profits and damages, and alſo for coſts of ſuit. Writ of enquiry.

VIII. *ſect.* 5. This act ſhall not extend to any writ of error brought by any executor or adminiſtrator, nor unto any action popular, nor any action brought upon any penal ſtatute, nor to any indictment, preſentment, inquiſition, information, or appeal. *Eng. Stat.* 16 & 17 *Car.* 2. *cap.* 8. *This act is made perpetual, by Stat.* 7 *Will.* 3. *cap.* 7. Limitations.

IX. *Stat.* 7 *Will.* 3. *cap.* 25. *ſect.* 7. No execution ſhall be ſtayed in any of *the* Four-courts by any writ of error, or *ſuperſedeas* thereupon, after verdict and judgment thereupon obtained, in any action of debt, or upon the caſe, upon any promiſe for the payment of money, actions *ſur trover*, actions of covenant, detinue, and treſpaſs, unleſs ſuch recognizance, as by the act 10 *Car.* 1. *ſeſſ.* 3. *cap.* 8. is directed, ſhall be firſt acknowledged in the court where ſuch judgment is given. Recognizance to be acknowledged.

X. *ſect.* 8. If any perſon ſhall ſue any writ of error for the reverſal of any judgment given after any verdict in the courts aforeſaid, and the judgment ſhall afterwards be affirmed, every ſuch perſon ſhall pay unto the defendants in the ſaid writs of error, their double coſts, to be aſſeſſed by the court where ſuch writ of error ſhall be depending, for delaying of execution. Double coſts to be aſſeſſed.

XI. *ſect.* 9. This act ſhall not extend to any action popular, nor unto any action brought upon any penal law, nor to any indictment, preſentment, inquiſition, information, or appeal. Limitations.

XII. *Stat.* 6 *Ann. cap.* 10. *ſect.* 22. Upon the quaſhing any writ of error for variance from the original record or other defect, the defendants in ſuch error ſhall recover againſt the plaintiffs iſſuing out ſuch writs, his coſts, as he Quaſhing writs of error.

ſhould have had if the judgment had been affirmed, and to be recovered in the ſame manner. *Eng. Stat. 4 Ann. cap. 16. ſect. 25.*

Time for bringing writs.

XIII. *Stat. 6 Geo. 1. cap. 6. ſect. 3.* No ancient judgment in any real or perſonal action ſhall be reverſed or avoided for any error or defect therein, unleſs the writ of error or ſuit for reverſing ſuch judgment be commenced and proſecuted with effect, within twenty years after ſuch judgment ſigned or entered of record.

Caſes of diſability.

XIV. *ſect. 4.* If any perſon who ſhall be intitled to any ſuch writ of error, ſhall at the time of ſuch title accrued, be within the age of twenty-one years, or *covert*, *non compos mentis*, impriſoned, or beyond the ſeas, ſuch perſon, his or her executors or adminiſtrators, notwithſtanding the ſaid twenty years expired, may bring their writ of error for the reverſing any ſuch judgment, as they might have done in caſe this act had not been made, ſo as the ſame be done within five years after his or her full age, diſcoverture, coming of ſound mind, enlargement, out of priſon, or returning from beyond the ſea or death.

Adjournment of the court.

XV. *Stat. 8 Geo. 1. cap. 6. ſect. 2.* If any one of the chief juſtices of either bench ſhall come to the exchequer chamber, and be there preſent at the day of adjournment, there ſhall be no diſcontinuance; and it ſhall be lawful for the ſaid chief juſtices, or either of them, in the abſence of the chancellor, treaſurer, and vice-treaſurer, to adjourn the ſaid court of exchequer chamber to ſuch further day and time as ſhall be convenient.

Judgment and proceſs.

XVI. *Stat. 1 Geo. 2. cap. 17. ſect. 3.* It ſhall be lawful for the lord chancellor, in the abſence of the lord treaſurer and vice-treaſurer, in the preſence and by the advice of both or either of the chief juſtices, to give judgment in any ſuit or writ of error *in the exchequer*, and every ſuch judgment ſhall be good; and in the abſence of the lord chancellor, both or either of the chief juſtices may upon motion iſſue proceſs, and make rules to compel the plaintiff to aſſign his errors in any ſuit depending in the ſaid court.

Judgments, orders, & decrees finally reformed in parliament in Ireland only.

XVII. *Stat. 21 & 22 Geo. 3. cap. 49. ſect. 1.* Henceforth all judgments, orders, and decrees ſhall be finally examined and reformed in the high court of parliament in this kingdom only; any law, ſtatute, or practice to the contrary in any wiſe notwithſtanding.

Unleſs in Great Britain before 1ſt June 1782.

XVIII. *ſect. 2.* Nothing herein ſhall invalidate or affect any judgment, order, or decree in Great Britain, previous to firſt of June, one thouſand ſeven hundred and eighty two, but the ſame ſhall remain in full force, any thing herein to contrary notwithſtanding.

Warrants by chief governor for ſealing writs of error, 3l. to curſitor.

XIX. *ſect. 3.* It ſhall be lawful for chief governor to grant warrants for ſealing writs of error returnable into parliament; and three pounds ſhall be paid to the curſitor for every ſuch writ of error by the party applying, to be diſtributed as the lord chancellor ſhall direct.

Eſcheators.

I. *Eng. Stat.* 14 *Edw.* 3. *ſtat.* 1. *cap.* 8. There ſhall be as many eſcheators aſſigned, as were when the King did take the governance upon him. And they ſhall be choſen by the chancellor, treaſurer, and chief baron of the exchequer, taking to them the chief juſtices, if they be preſent, in manner as the ſheriffs. And no eſcheator ſhall tarry in his office above a year. And no coroner ſhall be choſen unleſs he have land in fee ſufficient in the county. Eſcheators and coroners.

II. *Eng. Stat.* 34 *Edw.* 3. *cap.* 13. Every eſcheator ſhall take his inqueſts of his office of people which be ſufficiently inherited, and of good fame, and of the ſame county where the inquiry ſhall be; and the inqueſts ſo taken ſhall be indented betwixt the eſcheators and jurors. And if it be otherwiſe done, ſuch inqueſts ſhall be void. And ſuch inqueſts ſhall be taken in good towns openly and not privily. Inqueſts of office.

III. *Eng. Stat.* 36 *Edw.* 3. *cap.* 13. Lands ſeiſed into the King's hand ſhall be ſafely kept without waſte. And the eſcheator ſhall have no fee of wood, fiſh, veniſon, nor other thing, but ſhall anſwer to the King of the iſſues and profits yearly; and if he do otherwiſe, and thereof be attainted, he ſhall be ranſomed at the King's will, and yield treble damages. Lands ſeized.

(2) And if any man will claim the lands ſeiſed, the eſcheator ſhall ſend the inqueſt into the chancery within one month after the lands ſeiſed, and a writ ſhall be delivered to him to certify the cauſe of his ſeiſure into the chancery, and there the party ſhall be heard without delay, to traverſe the office, or otherwiſe ſhew his right, and from thence ſent before the King to make a final diſcuſſion. Claims of lands.

(3) And in caſe any come before the chancellor, and ſhew his right by good evidences, the chancellor ſhall let the lands in debate to the tenant, yielding thereof to the King the value, if it pertain to the King, ſo that he find ſurety that he ſhall do no waſte nor deſtruction till it be judged. To be let to the tenants.

(4) And the eſcheators ſhall take ſuch inqueſts in the good towns, and of good people, and that openly and by indentures to be made betwixt the eſcheators and them of the inqueſt. And if any eſcheator do the contrary, he ſhall have two years impriſonment, and be ranſomed at the King's will. Taking inqueſts.

IV. *Eng. Stat.* 42 *Edw.* 3. *cap.* 5. No eſcheator ſhall be made, unleſs he have 20l. of land in fee. And they ſhall do their offices in perſon. And if any other be choſen, he ſhall be put out. Qualifications.

V. *Eng. Stat.* 8 *Hen.* 6. *cap.* 16. No eſcheator nor commiſſioner ſhall take inqueſts but of people returned and impannelled by the ſheriffs; and if any eſcheator or commiſſioner take inqueſts of men not returned by the ſheriff, and thereof by examination or otherwiſe, at the ſuit of the party, be convict, for every inqueſt ſo taken, he ſhall incur the pain of forty pounds, the one half to the king, and the other half to the party grieved, at whoſe ſuit he ſhall be convict. Returns by the ſheriffs.

(2) And no tenements ſeiſed into the King's hands, upon ſuch inqueſts, ſhall be let to farm till the inqueſts and verdicts be returned into chancery or in the exchequer, but ſhall remain in the hands of the King until the inqueſts and verdicts be returned, and a month after the return. Letting tenements.

(3) If

Traverſe of inqueſts.

(3) If they which feel them grieved by the ſame inqueſts, or be put out of their lands, come into chancery and proffer to traverſe their inqueſts, and offer to take the lands to farm; then the lands ſhall be committed to them, if they ſhew good evidence, proving their traverſe, to hold until the iſſue taken upon the traverſe be diſcuſſed, and to render to the King the yearly value, if it be diſcuſſed for the King. And if any letters patent of the lands be made to the contrary to any other perſon, or let to farm within the month after the return, they ſhall be void.

Penalty on eſcheators, &c.

(4) And the eſcheators and commiſſioners, upon pain of 20l. half to the King, and half to the party at whoſe ſuit he ſhall be convict, ſhall return the inqueſts into the chancery or into the exchequer, within a month after taking the ſame, and every man which will ſue for the King, ſhall have the ſuit in this behalf.

Patents before inquiſition.

VI. *Eng. Stat.* 18 *Hen.* 6. *cap.* 6. No letters patent ſhall be made of any lands before an inquiſition of the king's title be found returned in the chancery or exchequer, if the king's title be not found of record, nor within the month after the return, if it be not to them which proffer their traverſes as aforeſaid; and if any letters patent be made to the contrary they ſhall be void.

Returning office.

VII. *Eng. Stat.* 18 *Hen.* 6. *cap.* 7. In caſe any eſcheator take any office, and return not the ſame in the chancery or exchequer in the month after the taking, he ſhall incur the pain of 40l. which he hath forfeit by the ſtatute 8 *Hen.* 6. *cap.* 16. and he ſhall be bound to pay the king as much as he is indamaged, becauſe of not returning of ſuch office. And the chancellor ſhall call to him the treaſurer in letting ſuch farms, to make due execution of the ſaid ſtatute.

Taking inqueſts.

VIII. *Eng. Stat.* 23 *Hen.* 6. *cap.* 17. *ſect.* 1. Every eſcheator ſhall take his inqueſts of office by virtue of any writs within the month after the deliverance of ſuch writs; and ſuch inquiſitions ſhall be taken in good towns and open places.

Fees of office.

(2) And none of them ſhall take for the execution of ſuch writs in one county, above 6s. 8d. or 13s. 4d. or above, where his labour and coſts ſhall require the ſame, ſo that the ſum which he ſhall take do not exceed in all 40s. for the execution of any ſuch writ in one county. And if any eſcheator do contrary, he ſhall forfeit 40l.

Traverſe of office.

IX. *ſect.* 2. If a man traverſe any office taken before any eſcheator or commiſſioner, and thereof hath any *ſcire facias* againſt any patentee, no protection ſhall be allowed. And as to any leaſe to be made to any perſon which ſhall traverſe any ſuch office, the ſtatutes ſhall be obſerved. And the king ſhall have the half of the ſaid forfeiture of 40l. and the party which ſhall ſue ſhall have the other half.

Qualification.

X. *Eng. Stat.* 12 *Edw.* 4. *cap.* 9. No man made eſcheator ſhall take upon him the office, unleſs the ſaid eſcheator have lands or rents in fee-ſimple, fee-tail, or for life, of the yearly value of 20l. within the counties whereof he ſhall be eſcheator.

Farming office or deputing.

(2) Nor any ſuch eſcheator ſhall ſell or ſet to farm the ſaid office, nor make any deputy but ſuch for whom he will anſwer; the names of the deputies to be certified by the eſcheator by his letters patent to the treaſurer and barons of

the

the exchequer, within twenty days after ſuch deputation made. And no ſuch deputy ſhall take upon him to occupy in the office of eſcheatorſhip, except ſuch eſcheator have lands or rents to the aforeſaid value.

(3) And if any perſon do contrary to the premiſſes, he ſhall forfeit 40l. the one half to the King, the other half to the party which will therefore ſue by action of debt, &c. wherein like proceſs, eſſoins and damages ſhall be had as in other actions of debt. And the juſtices of peace ſhall have power to inquire, hear, and determine every ſuch forfeiture upon preſentment in their ſeſſions; in which like proceſs ſhall be had as upon indictments of treſpaſs with force and arms againſt the King's peace. Penalties.

(4) Provided that this act do not extend to any eſcheator of any city, borough, or town, having authority to make or to be eſcheators within themſelves by letters patent. Cities and boroughs.

XI. *Stat.* 32 *Hen.* 6. *cap.* 4. *ſect.* 1. All the ſtatutes made before this time againſt the eſcheators, ſhall be put in ure, and be of force, and as penal againſt commiſſioners as againſt eſcheators for all things done by any commiſſioner, ſithence the making of the laſt ſtatute at Dublin, before Edward Fitz-Euſtace the deputy lieutenant of Ireland againſt eſcheators, or hereafter to be done by any commiſſioner. Commiſſioners.

(2) Provided that the ſaid penalty ſhall not extend to the juſtices of the one bench and the other, the barons of the exchequer, and the ſerjeant and attorney of the King. Juſtices of both benches.

The ſtatute referred to in this act is not printed, the ſeſſion of parliament held before Edward Fitz-Euſtace *was in the 32d of* Hen. 6. *and the printed acts of that ſeſſion begin* Rot. Parl. cap. 9. *and contain only three chapters, which do not relate to this matter.*

XII. *Stat.* 10 *Will.* 3. *cap.* 10. *ſect.* 1. Where any office or inquiſition ſhall be found omitting titles, &c. in all ſuch caſes every leſſee tenant for term of years or copyholder, and every perſon who ſhall have any intereſt to any rent, common office fee, or other profit *apprendre* out of any of the lands contained in ſuch office or inquiſition, where the King ſhall be intitled to ſuch lands, ſhall hold their leaſes and intereſts for term of years, or by copy of court-roll rents, common office fees, and profits *apprendre*, in ſuch manner as they might have done, in caſe there had been no ſuch office or inquiſition found, and as they ſhould have done in caſe ſuch leaſe, intereſt, &c. had been found. Tenants for years, &c.

XIII. *ſect.* 2. Where it ſhall be untruly found by office or inquiſition, that any perſons attainted of treaſon, felony, or *premunire*, ſhall be ſeized of any lands whereunto any other perſons have juſt title of any eſtate of freehold, every perſon grieved thereby, ſhall have their traverſe or *monſtrans de droit* to the ſame, without being driven to any petition of right, and like remedy and reſtitution upon their title, found or judged for them, as hath been uſed in caſes of traverſe, although the King be in ſuch caſe intitled to ſuch lands by double matter of record. Traverſe of untrue inquiſitions.

XIV. *ſect.* 4. In all ſuch caſes, where any perſons ſhall be enabled by this act to have any traverſe, and ſhall purſue their traverſe, they ſhall ſue on writs of *ſcire facias*, againſt all ſuch as ſhall have intereſt by the King or by his patents, in like manner as is requiſite upon traverſes or petitions heretofore purſued, and in every ſuch *ſcire facias* the patentees or other defendants ſhall *Scire facias* to be ſued.

ſhall have like pleas and advantage, as they had in any *ſcire facias* before this time awarded againſt any patentee, in any caſe of petition.

Writs of ſearch. (2) And upon every traverſe purſued by virtue of this act, in ſuch caſe as the parties that ſhall purſue any ſuch traverſe, ſhould by the common laws have been put to ſue by petition to the King, there ſhall be two writs of ſearch granted, as like writs have been granted upon petition made to the King.

The King's title ſaved. XV. *ſect.* 5. If after any judgment ſhall be given upon any traverſe that ſhall be tendered or ſued by virtue of this act, it ſhall appear by any matter of record, that the King hath any other former title to the lands mentioned in the traverſe, the ſame title ſhall be ſaved to the King. *Eng. Stat.* 2 & 3 *Edw.* 6. *cap.* 8.

Eſſoigns.

Inqueſt by default. I. *Eng. Stat.* Marlebr. 52 *Hen.* 3. *cap.* 13. After a man hath put himſelf upon an inqueſt, he ſhall have but one eſſoign, or one default; ſo that if he come not at the day given him by the eſſoign, or make default the ſecond day, the inqueſt ſhall be taken by his default; and if ſuch inqueſt be taken in the county before the ſheriff or coroners, it ſhall be returned unto the king's juſtices at a certain day.

Defendant not coming. (2) And if the party defendant come not at that day, upon his default, another day ſhall be aſſigned. And it ſhall be commanded to the ſheriff, that he cauſe him to come to hear the judgment, if he will according to the inqueſt; at which day if he come not, upon his default they ſhall proceed to judgment In like manner it ſhall be done if he come not at the day given unto him by his eſſoign.

Need not ſwear. II. *Eng. Stat.* Marlebr. 52 *Hen.* 3. *cap.* 19. In counties, hundreds, courts-baron, or other courts, none ſhall need to ſwear to warrant his eſſoign.

Writs of aſſiſe, &c. III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 42. In writs of aſſiſe, attaints, and *juris utrum*, after the tenant hath once appeared he ſhall be no more eſſoigned, but ſhall make his attorney if he will; and if not the aſſiſe or jury ſhall be taken through his default.

Parceners. IV. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 43. Parceners or many jointly infeoffed ſhall not have an eſſoign, but at one day, no more than one ſole tenant ſhould have, ſo that they ſhall no more fourch, but only have one eſſoign.

Being beyond the ſea. V. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 44. The eſſoign of being over the ſea ſhall not be wholly allowed, if the demandant will challenge it, and will be ready to aver, that he was in England the day of the ſummons, and three weeks after; but it ſhall be adjourned in this form, that if the demandant be ready at a certain day, by averment of the country, or otherwiſe as the court ſhall award, to prove that the tenant was within the four ſeas, the day that he was ſummoned and three weeks after, ſo that he might be reaſonably warned, the eſſoign ſhall be turned into a default, and that is to be underſtood only before juſticers.

VI. *Eng.*

A man and wife.

VI. *Eng. Stat.* Glouc. 6 *Edw.* 1. *cap.* 10. Whereas it is contained in the ſtatute, that parceners, or two that hold in common, may not fourch by eſſoign after they have appeared, the ſame ſhall be obſerved where a man and his wife be impleaded.

Sickneſs pleaded.

VII. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 17. In the circuit of the juſticers an eſſoign, *de malo lecti*, ſhall not be allowed for lands in the ſame ſhire, unleſs he that cauſed himſelf to be eſſoigned be ſick indeed; for if the demandant alledge that the tenant is not ſick, nor in ſuch plight, but that he may come before the juſticers, the exception ſhall be admitted. And if he can be ſo proved by inqueſt, the eſſoign ſhall be turned to a default, and ſuch eſſoign ſhall not lie in a writ of right between two claiming by one diſcent.

Eſſoign after day given.

VIII. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 27. After ſuch time as any hath put himſelf upon inqueſt, one eſſoign ſhall be allowed at the next day, but at the other days, the taking of the inqueſt ſhall not be delayed by eſſoigns, whether he were eſſoigned before or no. Neither ſhall any eſſoign be allowed, after day given *prece partium*, nor where the parties conſent to come without eſſoign.

Demandants.

IX. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 28. Whereas by the ſtatute *Weſtm.* 1. *cap.* 42. it was provided, that the tenants have once appeared no eſſoign ſhould be allowed them in aſſiſes; in like manner it ſhall be obſerved againſt the demandants.

Caſes where eſſoigns lie not.

X. *Eng. Stat.* 12 *Edw.* 2. *Stat.* 2. Eſſoign lieth not becauſe the land is taken into the king's hands. Eſſoign lieth not becauſe the party is diſtrained by his lands. Eſſoign lieth not becauſe any judgment is given thereupon, if the jurors come. Eſſoign lieth not becauſe the party was ſeen in court. Eſſoign of *ultra mare* lieth not, becauſe the party hath been eſſoigned of *male veniendi*. It lieth not becauſe the party hath eſſoigned himſelf to another day. It lieth not becauſe the ſheriff was commanded to make the party to come. Eſſoign of *ſervitio Regis* lieth not, becauſe the party is a woman, unleſs ſhe be a nurſe or a midwife, or commanded *ad ventrem inſpiciendum*. It lieth not in a writ of dower. It lieth not for that the plaintiff hath not found pledges. It lieth not becauſe the attorney was eſſoigned. It lieth not becauſe the party hath an attorney in the matter. It lieth not becauſe the eſſoigner confeſſeth that he is not in the king's ſervice. It lieth not becauſe the ſummons is not returned, or the party not attached, for that the ſheriff hath not returned *non eſt inventus*. It lieth not becauſe the party another time was eſſoigned *de ſervitio Regis*, and hath not ſent his warrant. It lieth not becauſe he was reſummoned in aſſize of *Mort dancеſter* or *darrein preſentment*. It lieth not becauſe ſuch one is not named in the writ. It lieth not becauſe the ſheriff hath a precept to diſtrain the party to come. It lieth not becauſe the biſhop was commanded to cauſe the party to come. It lieth not for that the term is paſſed. And it is to be noted that eſſoigns *de ſervitio domini Regis*, are allowed for the grand *cape*, *petit cape*, and after diſtreſſes taken upon the lands and goods.

Service of the king.

XI. *Eng. Stat.* de viſu et eſſon. *incerti temporis. ſect.* 2. Eſſoign of ſervice of the king lieth not in writ of *novel diſſeiſin*, in a writ of dower *unde nihil habet*, in writ of *darrein preſentment*, and appeal of the death of a man.

Eſtreats of fines.

I. *Stat.* of Eſtreats, 16 *Edw.* 2. *ſect.* 1. Eſtreats ſhall be made in manner following; firſt ſhall be entered the fines which moſt commonly happen, as to have writs and all other fines wherein the ſum is expreſſed; and all theſe fines of one county, for the whole year, ſhall be written by themſelves by order, as the fines ſhall be entered in the rolls; and of all other counties whatſoever ſhall happen to follow in any one county. And for the more ready recourſe to the rolls, if any thing ſhall be doubted of, either of the number or other letter in the eſtreat; the date of the day, when the fine was made, ſhall be entered into the eſtreat which is delivered into the exchequer.

Charters, &c.

II. *ſect.* 2. After thoſe fines ſhall be entered, charters, letters patent, and commiſſions, in which any farm or yearly rent is due to the king, or wherein any accounts are to be made, and theſe ſhall be written by counties ſeverally after the readieſt manner.

Homages, &c.

III. *ſect.* 3. After theſe ſhall be written, homages and fealties, whereof the reliefs are to be demanded, and other things whereof the ſum is not expreſſed nor any yearly demand to be made.

Charters of gift.

IV. *ſect.* 4. In the ſame eſtreat ſhall be entered charters of gift, by which the king ought to have ſervice.

Amerciaments.

V. *ſect.* 5. There ſhall be entered in the ſame eſtreat, the names of thoſe which that year ſhall be aſſigned to hear and enquire, or to do any thing whereby fine or amerciament, or other profit appertaining to the king might ariſe.

Rediſſeiſins.

VI. *ſect.* 6. In the end of the eſtreat the rediſſeiſins and ſurcharging of paſtures.

Payments to be totted.

VII. *Eng. Stat.* 42 *Edw.* 3. *cap.* 9. Where in the green wax it is ſent to the ſheriff, to levy the king's debts, the ſheriffs miniſters levy the ſame by rolls, and other remembrances, and do not ſhew the eſtreats under the ſeal of the exchequer, ſo that which is once levied cometh another time in demand, becauſe that they do not charge themſelves fully of that that is levied; it is ordained, that men ſhall ſee the eſtreats ſealed, and that the ſame which is paid be totted, and the eſtreats ſent to the ſheriffs upon the receipt. And if any ſheriffs or miniſters do to the contrary, they ſhall anſwer to the party which will complain, and yield him treble damages, and make fine to the king, and he ſhall have his ſuit as well before juſtices of the peace, as before other juſtices.

Sheriffs accounts.

(2) And the ſheriffs ſhall account by the ſame eſtreats ſo totted, and by none other; and the ſame eſtreats ſhall not be copied out by the ſheriffs, but the copy of the eſtreats, in how much they touch the franchiſes of lords, ſhall be delivered to the bailiffs of the franchiſes, under the ſeal of the ſheriff, and the ſame bailiffs ſhall yield their account to the exchequer by the copy ſo delivered.

Iſſues loſt.

VIII. *Eng. Stat.* 7 *Hen.* 4. *cap.* 3. The juſtices before whom iſſues or amerciaments be forfeit, ſhall charge the clerks of the eſtreats in ſuch places by their oaths, that they make the rolls of the eſtreats of ſuch iſſues and amerciaments diſtinctly by expreſs word of the cauſe of the loſs of the term of the year, and the nature of the writ, and betwixt what parties ſuch iſſues and amerciaments be loſt.

Exceptions.

I. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 31. When one that is impleaded before any of the juſtices, doth alledge an exception which they will not allow, if he write the exception, and require that the juſtices will put to their ſeals, they ſhall do ſo, and if one will not, another ſhall. Judges to put their ſeals.

(2) And if the king, upon complaint made of the juſtices, cauſe the record to come before him, and the exception be not found in the roll, and the plaintiff ſhew the exception with the ſeal of a juſtice, the juſtice ſhall be commanded that he appear at a certain day to confeſs or deny his ſeal, and if the juſtice cannot deny his ſeal, they ſhall proceed to judgment according to the exception. Trial of record.

Exchequer.

I. *Eng. Stat.* de ſcacc. 51 *Hen.* 3. *ſtat.* 5. *ſect.* 1. All bailiffs, ſheriffs, and other miniſters, ſhall of their receipts of iſſues, of eſcheats, and of their bailiwicks, be anſwerable in the exchequer, and there make account to the treaſurer and barons. And all ſheriffs, farmers, bailiffs of franchiſes, and other which ought to come at the profer of the exchequer, the day after the feaſt of St. Michael, and the day after the cloſe of Eaſter, to pay their farms, rents, and iſſues, ſhall come at the aforeſaid terms; and if any make default, their bodies ſhall remain until they have paid or made agreement. And he that will not come at the term aforeſaid ſhall be amerced. And the ſheriffs and bailiffs, at the ſame terms, ſhall pay ſuch money as they have received of the ſummons of the exchequer, and other the king's debts, and ſhall be ready to make ſhew of their account of the things aforeſaid. Bailiffs, &c. anſwerable.

II. *ſect.* 2. All bailiffs of franchiſes which ought to levy the king's debts, and to anſwer to the ſheriffs according to the eſtreats of the ſummons of the exchequer, ſhall come and anſwer ſufficiently; and ſuch as do not, their bodies ſhall remain in the ward of the ſheriffs; and for their default the ſheriffs ſhall cauſe the debts to be levied by their own bailiffs as in times paſt; and if the bailiffs do not come at the day that the ſheriffs ſhall give them knowledge of, the ſheriffs ſhall enter into the franchiſes and levy the debts. King's debts.

III. *ſect.* 3. Sheriffs ſhall keep all eſcheats, which be not in the fees belonging to the king, within their ſhires, and of the iſſues thereof, they ſhall anſwer in the exchequer at the terms aforeſaid; and at their turns they ſhall do the offices of ſuch other things as the king's eſcheators have uſed to do, once or twice in the year, to as little grievance of the people as they can; and the ſheriffs ſhall ſeize the eſcheats that fall to the king in fee, and ſhall certifie the king of them without delay. Seizing eſcheats.

IV. *ſect.* 4. The king ſhall aſſign three able perſons that ſhall go throughout the realm to ſurvey and extend the eſcheats from year to year. And the ſheriffs by their council ſhall improve, and let to farm ſuch as they ſhall think moſt for the king's advantage. Surveyors aſſigned.

V. *ſect.* 5. And the ſaid three perſons ſhall keep the king's demeans, and ſhall approve them, and ſhall be anſwerable for the iſſues, and they ſhall have power to let ſmall manors or demeans; and the farmers ſhall anſwer their farms unto thoſe principal approvers, and they at the exchequer the day after the aſcenſion. The king's demeſnes.

VI. *ſect.* 6. The principal collectors of the cuſtom, at the two terms before mentioned, ſhall pay all ſuch money as they have received of the ſaid cuſtom, and ſhall make account of all parcels received in any of the ports, ſo that they Collectors of the cuſtom.

ſhall anſwer of every ſhip where it was charged, and how much it carried, and every loading in the ſhip whereof cuſtom is due.

The king's buſineſs.

VII. *ſect.* 7. The warden of the wardrobe ſhall make account yearly in the feaſt of St. Margaret. And the treaſurer and barons ſhall be charged by their oath, that they ſhall not attend to hear the pleas of other men while they have to do with the king's buſineſs, if it be not matter that concerneth the king's own debt. And when a ſheriff or bailiff hath begun his account, none other ſhall be received to account until he that was firſt appointed hath clearly accounted and his money be received. And the conſtable, marſhal, chamberlain, and other that are of fee in the exchequer, ſhall preſent unto the king ſuch as they ſhall put in their places to do their offices, which muſt be of good fame and ſufficient, for whoſe acts themſelves will anſwer.

Treaſurer and barons.

VIII. *ſect.* 8. The king commandeth the treaſurer and barons of the exchequer upon their allegiance, and by the oath that they have made to him, that they ſhall not admit others for them that be not ſuch; and that the exchequer be not charged with more perſons than is neceſſary; and that none of them that be there ſworn to the king, ſhall put in his room any other clerk or lay perſon, except he be ſworn, nor that without the licence of the treaſurer; and if any do ſo, he ſhall be removed from his office, and none other received in his ſtead without the king's licence.

Puniſhment of officers.

(2) And if any put in without the treaſurer's licence, do treſpaſs, he ſhall be puniſhed, and he alſo that put him in; and if both be inſufficient, their ſuperior ſhall be puniſhed, whether he be officer of fee or other; and the treaſurer ſhall put no other in his room until he hath licence from the king. And if he that keepeth the room of another by licence of the treaſurer, doth any thing that he ought not, he ſhall be puniſhed according to the treſpaſs, if he have whereof, and if he have not, he that put him in ſhall be charged; and if he be not ſufficient, he that put him in office ſhall be charged, whether he be of fee or otherwiſe.

Offences committed.

IX. *ſect.* 9. All they ſhall make oath that if any of them perceive that another doth commit any offence, or other thing diſhoneſt in any office in this court, they ſhall certifie to the treaſurer or barons, and they ſhall return it, and if need require they ſhall certifie it to the king. And that about the feaſt of St. Margaret, before the exchequer be cloſed, they ſhall cauſe a ſearch to be made whether any ſheriff or bailiff that ought to have accounted, have not done ſo, and thereof a remembrance ſhall be made in a roll. And if it be a ſheriff his account ſhall be firſt heard after Michaelmas, before any other be received; and if he be a bailiff, he ſhall be ſummoned or diſtrained to come at a certain day to account; ſo that no account ſhall be ſuffered to ſleep.

Surveyors of works.

(2) And all ſurveyors of the king's works ſhall be choſen by the oaths of wiſe men, and ſhall be of ſuch as may attend beſt; and they ſhall be ſufficient to anſwer the king, and ſhall ſwear that they ſhall bear true witneſs. And if the treaſurer or barons have any in ſuſpection of falſe allowances, for works or other things, the truth ſhall be inquired, and he that is attainted ſhall anſwer to the king, as much as the allowance amounteth unto, and ſhall be impriſoned one year and forty days, and ſhall be puniſhed at the king's pleaſure; and the ſurveyors ſhall be puniſhed for their conſent, and likewiſe he that upon his account ſhall conceal ſuch things, whereof he ought to have charged himſelf, ſhall be puniſhed in like manner.

Eſtreats of fines, &c.

X. *ſect.* 10. The juſticers, commiſſioners, and other, ſhall deliver into the exchequer, at the feaſt of St. Michael from year to year, the eſtreats of fines and

and amerciaments made and taxed before them, and of all things wherefore the eſtreats are wont to be delivered there. And they of the exchequer ſhall make eſtreats of the ſummons thro' all ſhires; ſaving that the eſtreats in eyre of all pleas ſhall be delivered immediately after the eyre made.

Sheriffs accounts.

XI. *Eng. Stat.* Rutl. 10 *Edw* 1. *ſect.* 1. The bodies of the ſhires ſhall not be written in every roll, but they ſhall be written in a yearly roll by themſelves, and every thing ſhall be yearly read upon the ſheriff's account in every county. The remanents of the ſame ſhires ſhall be written by later dates in the annual rolls, and the ſheriffs ſhall be charged therewith; and of allowances view ſhall be made in the exchequer, and the treaſurer and barons ſhall certifie the chancellor of the allowances ſo to be made, and the writs of allowances ſhall be made according to the ſame certificate; moreover, there ſhall be written in the annual rolls the farms of ſheriffs, the profits of counties, the farms of ſerjeants and afferts, the farms of cities, boroughs, towns, and other farms, whereof there is anſwer made yearly in the exchequer; and in them alſo ſhall be written all ſtalled and groſe debts, whereof is hope that ſomewhat ſhall be paid; and all debts that ſeem to be clear. When it is come to account or to the title of new obligations; nothing ſhall be written in the annual roll but thoſe debts whereof there is hope of payment, and whereof the ſheriff is anſwerable, and debts that ſeem clear in the originals.

Deſperate debts.

XII. *ſect.* 2. Of dead farms and debts deſperate one roll ſhall be made, and ſhall be read every year upon the accounts of ſheriffs, and the debts whereof the ſheriff is anſwerable ſhall be written in the annual roll, and there ſhall be acquitted.

Tallies of debt.

XIII. *ſect.* 3. It ſhall be proclaimed in every county, that all they that have tallies of the exchequer for the debts of themſelves or their anceſtors, paid uſually there, and not yet allowed, which ſhall come out ſtill in the ſummons of the exchequer, that ſuch tallies be delivered to the ſheriffs to be allowed at the exchequer at their accounts. And the ſheriffs ſhall make to them their writings, witneſſing the receipt of thoſe tallies, deputing two knights thereunto, between whom and the ſheriffs indentures ſhall be made of ſuch receipts with the ſeals of them both.

Allowance upon account.

XIV. *ſect.* 5. The knights deputed ſhall ſend the parts of their indentures at the term appointed unto the exchequer, that by view of them the tallies ſo received by the ſheriffs may be allowed upon their accounts.

Sheriffs.

XV. *ſect.* 6. It ſhall be proclaimed, that except thoſe that have ſuch tallies do offer them to the ſheriffs and knights to be executed, they ſhall be diſtrained for the whole debt.

Tallies againſt Sheriffs.

XVI. *ſect.* 7. The debts which yet come into the ſummons of the exchequer, whereof the debtors do proffer tallies againſt divers ſheriffs, ſhall be defalked and acquitted.

Inqueſts to be taken.

XVII. *ſect.* 8. Certain perſons ſhall be ſent into every ſhire, which ſhall have power to inquire of ſuch debts, and to call afore them the ſheriffs, their heirs and aſſigns, and the tenants of their lands that have received the debts, and to proceed to the taking of inqueſts, whether the parties againſt whom the tallies were ſhewed do come or not, ſo that the ſheriff return that he hath ſummoned them; and the truth being diſcuſſed, the inquiſitors ſhall make rolls of that that ſhall be convict and confeſſed before them, and the inrolment being

being made, the tallies of the ſame ſhall be broken; and the ſheriffs ſhall have in their cuſtody the tranſcripts of the rolls under the ſeals of the inquiſitors, and ſhall ſurceaſe in making diſtreſſes for the debts contained in the ſame, until they ſhall have otherwiſe in command. And the inquiſitors ſhall ſend unto the exchequer the aforeſaid rolls under their ſeals.

Chamberlains. XVIII. *ſect.* 9. The chamberlains ſhall not make to the ſheriffs or their bailiffs, tallies *dividendi*, unleſs they firſt receive of them particulars containing the ſums of the debts, and the names of them that paid them, into which particulars he would have ſuch dividends parted, which being ſo received under their ſeals, it ſhall not be lawful to number them into other particulars.

Return of *nils*. XIX. *ſect.* 10. All debts whereunto the ſheriffs return that the debtors have nothing, ſhall be eſtreated in rolls, and the rolls delivered unto faithful men, which ſhall make inquiry after ſuch form as ſhall be provided by the treaſurer and barons.

Pleas to be holden. XX. *ſect.* 11. No plea ſhall be holden in the exchequer, unleſs it ſpecially concern the King and his miniſters aforeſaid.

Common-pleas. XXI. *Eng. Stat.* ſuper chart. 28 *Edw.* 1. *ſtat.* 3. *cap.* 4. No common pleas ſhall be holden in the exchequer contrary to the great charter.

Remembrancer. XXII. *Eng. Stat.* 37 *Edw.* 3. *cap.* 4. Becauſe many people acquitted by judgment in the exchequer in one place, be grieved in other offices of the exchequer, the clerk of the remembrance ſhall be titled to ſit above the clerk of the pipe, to ſee the diſcharges made in the pipe, and to imbreviate the ſame in the remembrance, and to cauſe proceſs thereupon to ceaſe; and that the ſummons of the pipe be withdrawn according as the parties be diſcharged. And in whomſoever any default be willingly found, the treaſurer by the king's command ſhall puniſh the ſame.

Proceſs after allowance. XXIII. *Eng. Stat.* 1 *Rich.* 2. *cap.* 5. At what time any debts be paid on the tallies thereof made, rejoined and allowed in the exchequer, that debt ſhall never run more in demand. And if after allowance made there, any clerk of the exchequer make any proceſs to levy the ſame, and that be proved, the clerk ſhall loſe his office, and have impriſonment till he hath made gree to the party, if any will ſue by the diſcretion of the treaſurer and barons.

Diſcharge without writ. XXIV. *Eng. Stat.* 5 *Rich.* 2. *cap.* 10. The barons of the exchequer ſhall have power to hear every anſwer of every demand made in the exchequer; ſo that every perſon that is there impeached, ſhall by himſelf, or by any other perſon, be received to plead, ſue, and have his reaſonable diſcharge without tarrying or ſuing any writ.

Accounts. XXV. *Eng. Stat.* 5 *Rich.* 2. *cap.* 12. The accounts in the exchequer ſhall be more ſhortly heard, made, and ingroſſed, than they were wont; ſaving that the parcels of the ſame accounts be made as plainly as they were wont by ordinance to be made by the barons of the exchequer.

Clerks aſſigned. XXVI. *Eng. Stat.* 5 *Rich.* 2. *cap.* 13. Two clerks ſhall be aſſigned to make parcels of the accounts in the exchequer to them that will that demand, and they ſhall be ſworn that they do no falſity in their office, and ſhall take for

for their labour of them whom they ſerve reaſonably according to the ordinance of the barons.

XXVII. *Eng. Stat. 5 Rich. 2. cap. 14.* The accounts of *nichil* in the exchequer, ſhall be altogether put away, or if any ſuch accounts ought there to abide, the accountants immediately after their oath made, ſhall be examined by the barons, if they ought to anſwer the King of any thing in that behalf. And if it be found by their oath that they ought not, they ſhall be diſcharged to yield other account before any auditor; the King's right ſaved. Accounts of *nichil.*

XXVIII. *Eng. Stat. 5 Rich. 2. cap. 15.* The clerk of the pipe, and the remembrancers ſhall be ſworn, that from term to term they ſhall ſee all the writs of great ſeal or privy ſeal, which ſhall be ſent to the exchequer the ſame term, for the final diſcharge of any perſon of any demand due in the exchequer, and that every of them to whom it pertaineth, ſhall do due execution of the ſaid commandment. Clerk of the pipe, &c.

(2) And the ſaid two remembrancers ſhall be ſworn, that every term they ſhall make a ſchedule of all the perſons diſcharged in their offices by judgments, or in other manner in the ſame term, of any demands in the exchequer, containing the manner of the diſcharges, and deliver the ſchedule to the clerk of the pipe the ſame term, to the intent that the clerk of the pipe do therefore diſcharge the parties in the great roll. Remembrancers to be ſworn.

(3) Alſo the clerk of the pipe ſhall be ſworn, that he from term to term ſhall require the ſame ſchedules, and ſhall diſcharge the parties in manner aforeſaid. And in the ſame manner the clerk of the pipe ſhall cauſe to be certified in writing to the remembrancers, of all ſuch diſcharges which ſhall be made in his office; to the intent that a man diſcharged in one place be diſcharged in all. Diſcharge of parties.

XXIX. *Eng. Stat. 5 Rich. 2. cap. 16.* Though many times perſons have had livery of their lands out of the king's hands, by judgment in the king's bench or elſewhere, and have after procured the tenor of the records to be ſent by *mittimus* into the exchequer, to diſcharge them of the accounts for the ſame tenements; nevertheleſs the officers would not diſcharge the ſaid perſons before that the records and proceſſes were newly entered in the exchequer, and thereupon new judgment there again given; it is ordained that after ſuch record, or the tenor of the ſame ſhall come into the exchequer, the remembrancer in whoſe office ſuch accounts ſhall be demanded, ſhall cauſe the ſuit to ceaſe by words to be entered upon the indorſement of the writ, touching the tenor of the record of the judgment, without making new proceſs. Livery of lands.

XXX. *Eng. Stat. 5 Rich. 2. cap. 17.* Nothing ſhall be given for making a commiſſion in the exchequer, for the fee of the clerk above 2s. nor for the record of a *niſi prius* with the writ, but 2s. only. Fees of clerks.

XXXI. *Eng. Stat. 13 Rich. 2. ſtat. 1. cap. 14.* No recognizance nor bond of the double, for the king's debts and farms, ſhall be taken in the exchequer, provided that the king have ſufficient ſurety for his duty. Bonds of the double.

XXXII. *Eng. Stat. 1 Rich. 3. cap. 14. ſect. 2.* If any diſme be granted by either province of the clergy, if the collectors come by proceſs before the barons Diſmes of the clergy.

barons of the exchequer, and enter in their account, they ſhall not be bound to anſwer bills there put againſt them, but only touching the account. Provided that the accountant take no privilege of the exchequer by reaſon of the account.

Treble damages.

XXXIII. *Stat.* 28 *Hen.* 6. *ſeſſ.* 2. *cap.* 1. No remembrancer, nor his deputy, ſhall cauſe to be written any writ againſt any man that hath ſufficient diſcharge of record in the remembrancy, or in other place in the exchequer of that whereof he ſhall be impeached. And if the remembrancer or his deputy do the contrary thereof, they ſhall loſe their office, and the party ſo impeached ſhall have his damages againſt them to treble.

Suits in the exchequer.

XXXIV. *Stat.* 38 *Hen.* 6. *cap.* 1. Whoſoever do ſue any action in the exchequer in *Ireland*, unleſs the plaintiff be miniſter to the ſaid exchequer, or ſervant to any miniſter of record of the ſaid exchequer, ſhall loſe ten pounds, the one half to the King, and the other half to the party that will ſue, ſo oft as he doth ſue any ſuch action.

Removal of courts.

XXXV. *Stat.* 7 *Edw.* 4. *cap.* 4. The lieutenant of this land, or his deputy, ſhall have power to remove the exchequer and common place of the King, to ſuch places as ſhall ſeem to him moſt expedient, by the garniſhment of twenty and eight days, all manner of records and proceſs continued and ſaved, how or whereſoever the writs of the King of any of the ſaid places bear date or be returnable.

Pleadings to be in *Engliſh.*

XXXVI. *Stat.* 17 *Geo.* 2. *cap.* 8. *ſect.* 3. All officers belonging to the court of the receipt of his Majeſty's exchequer, ſhall make up and ingroſs the ſeveral accounts, and all other buſineſs tranſacted in their reſpective offices in Engliſh, and the ſame ſhall be written or printed in a common legible hand, character and figures, and not in court hand.

Parliamentary Appearance to *ſubpœna*

XXXVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 18. *ſect.* 3. Whereas inconveniencies have ariſen by defendants not appearing to *ſubpœnas* out of pleas ſide of exchequer: where a *ſubpœna* ſhall iſſue out of pleas or common law ſide of ſaid court, requiring to appear thereto, and defendants duly ſerved according to preſent practice or courſe ſuffer proceſs of contempt to a ſerjeant at arms to be entered for not appearing, ſaid court, upon the attachment to the ſerjeant at arms, filed with the proper officer, with a return thereon that defendants are not to be found, ſhall and may appoint an attorney to enter appearance for ſuch defendants ſo in contempt; and upon ſaid appearance entered the plaintiffs ſhall be at liberty forthwith to file declaration, and proceed to judgment, and iſſue execution as effectually, as if ſuch defendants had duly and actually appeared on ſervice of ſuch *ſubpœna*.

Time to Minors, &c. to plead.

XXXVIII. *ſect.* 4. All who at the time any judgment in purſuance of this act ſhall be had againſt them, ſhall be under twenty one years, or of *non ſane* mind, or *femes covert*, ſhall have two years from ſervice of atteſted copy of ſuch judgment upon them reſpectively, after removal of ſuch diſability, to make defence, and ſhew cauſe.

Excommunication.

I. *Eng. Stat.* Senten. lata ſuper chart. 37 *Hen.* 3. All thoſe that maliciouſly deprive the church of her right, and all thoſe that violate the church liberties, or the old approved cuſtoms of the realm, and chiefly the liberties and free cuſtoms contained in the charters of the liberties and of the foreſt, by deed or counſel; and all thoſe that ſhall make ſtatutes againſt the ſame, or obſerve them being made, and that ſhall bring in cuſtoms, or keep them when brought in againſt the ſaid liberties; and the writers of ſuch ſtatutes, the counſellors and the executors of them, and all thoſe that ſhall judge according to them; all which perſons that wittingly ſhall commit any of the premiſſes, ſhall incur the ſentence of excommunication upon the deed done. Incurring ſentence.

(2) And thoſe that commit any thing ignorantly, and be thereof admoniſhed, except they reform themſelves within fifteen days, and make ſatisfaction at the will of the ordinary, ſhall be wrapped in the ſame ſentence. And with the ſame ſentence are burdened all that perturb the peace of the King and of the realm. Admoniſhing by ordinary.

II. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 7. The King's letter directed unto ordinaries that have wrapped their ſubjects in the ſentence of excommunication, that they ſhall aſſoil them by a certain day, or elſe that they do appear and to anſwer wherefore they have excommunicated them, ſhall not go forth, but where it is found, that the King's liberty is prejudiced by the excommunication. Letters to aſſoil.

III. *Eng. Stat.* Artic. cler. 9 *Edw.* 2. *cap.* 12. If any of the King's tenure be called before their ordinaries out of the pariſh where they dwell, if they be excommunicated for contumacy, and after forty days the ordinary writeth that they may be taken, and they pretend privilege, that they ought not to be cited out of the town and pariſh where their dwelling is; the King's writ for taking of them ſhall not be denied. Writ not to be denied.

IV. *Eng. Stat.* 9 *Edw.* 3. Writs ſhall be directed to the biſhops, to accurſe all perturbers of the peace of holy church and of the King, felons, maintainers of felons and conſpirators of felony, falſe jurors, takers and maintainers of falſe quarrels every Sunday and double feaſt, &c. in the cathedral church, and in every college and pariſh church, and to proceed againſt them according to the canon laws. Writs to biſhops.

From the Old abridgement.

Execution.

I. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 18. Where debt is recovered or knowledged in the King's court, or damages awarded, it ſhall be in the election of him that ſueth to have a *fieri facias* unto the ſheriff, to levy the debt upon the lands and chattels of the debtor, or that the ſheriff ſhall deliver to him all the chattels of the debtor, ſaving his oxen and beaſts of his plough, and the one half of his land, until the debt be levied upon a reaſonable extent; and if he be put out of the land, he ſhall recover it again by writ of *novel diſſeiſin*, and after that by writ of *rediſſeiſin*, if need be. *Fieri Facias.*

II. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 45. Thoſe things which are found inrolled before them that have record or contained in fines, whether they Inrollment of record.

be contracts, covenants, obligations, ſervices or cuſtoms whereunto the King's court may give authority, ſhall have ſuch force that it ſhall not be needful to plead for them.

Scire facias to the ſheriff. (2) But when the plaintiff cometh to the court, if the recognizance or fine levied be lately done, *viz.* within the year, he ſhall forthwith have execution; and if the recognizance were made, or the fine levied of a further time paſſed, the ſheriff ſhall be commanded that he give knowledge to the party, that he be afore the juſtices at a certain day, to ſhew if he have any thing to ſay, why ſuch matters inrolled or contained in the fine, ought not to have execution; and if he come not at the day, or do come and can ſay nothing, the ſheriff ſhall be commanded to cauſe the thing inrolled or contained in the fine to be executed; in like manner the ordinary ſhall be ſent unto in his caſe, obſerving nevertheleſs that which is before ſaid *(which ſee in* Meſne) of a meſne which by recognition or judgment is bound to acquit.

New writs to be made. III. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 7. If lands delivered to any perſon in execution be lawfully evicted without fraud, before the tenants by execution ſhall have levied the whole debt and damages, ſuch recoverer, obligee, and recognizee, ſhall have a *ſcire facias* out of the ſame court from whence the former execution did proceed, againſt ſuch perſons as the ſaid writ of execution was firſt purſued, their heirs, executors, or aſſigns of ſuch lands, &c. as were then charged with the execution, returnable forty days after the date; at which day if the defendant being warned, make default, or do not ſhew ſufficient cauſe, the lord chancellor or juſtices before whom ſuch *ſcire facias* ſhall be returnable, ſhall make new writs out of the former record of judgment, ſtatute-merchant, ſtatute-ſtaple or recognizance of like nature as the former writ was, for the levying of the reſidue of ſuch debt and damage. *Eng. Stat.* 32 *Hen.* 8. *cap.* 5.

New execution againſt lands, &c. IV. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 9. *ſect.* 1. The parties at whoſe ſuit any perſon ſhall ſtand charged in execution for any debt or damage recovered, their executors or adminiſtrators, may after the death of the perſon ſo charged and dying in execution, have new execution againſt the lands, goods and chattels, or any of them, of the perſon ſo deceaſed, in ſuch manner as they might have had if ſuch perſon ſo deceaſed had never been in execution.

Sale to creditors. V. *ſect.* 2. This act ſhall not give liberty to any perſons, their executors or adminiſtrators, at whoſe ſuit any ſuch party ſhall be in execution and die in execution, to have any new execution againſt the lands of ſuch party ſo dying in execution, which ſhall at any time after the ſaid judgments be by him ſold *bona fide* for the payment of any of his creditors, and the money which ſhall be paid for the land ſo ſold, either paid or ſecured to any of his creditors, with their privity and conſent in diſcharge of their debts, or part thereof. *Eng. Stat.* 21 *Jac.* 1. *cap.* 24.

Extending lands. VI. *Stat.* 17 & 18 *Car.* 2. *cap.* 11. *ſect.* 1. When any judgment, ſtatute, or recognizance, ſhall be extended, the ſame ſhall not be avoided or delayed, by occaſion that any part of the lands extendible are omitted out of ſuch extent, ſaving to the parties whoſe lands ſhall be extended, their heirs, executors and aſſigns, their remedy for contribution againſt ſuch perſons whoſe lands are omitted out of ſuch extent.

Heirs within age. VII. *ſect.* 2. This act ſhall not give any extent or contribution againſt any heir, within the age of one and twenty years during ſuch minority, in reſpect of

of any lands to ſuch heir deſcended, otherwiſe than might have been before the making of this act.

VIII. *ſect.* 3. Provided that this act extend only to ſtatutes for payment of monies, and to ſuch extent as ſhall be within twenty years after the ſtatute, recognizance or judgment obtained. *Eng. Stat.* 16 & 17 *Car.* 2. *cap.* 5. *This act is made perpetual, by Stat.* 7 *Will.* 3. *cap.* 7. Limitation.

IX. *Stat.* 7 *Will.* 3. *cap.* 12. *ſect.* 8. No writ of execution ſhall bind the property of the goods of the party, againſt whom ſuch writ of execution is ſued forth; but from the time ſuch writ ſhall be delivered to the ſheriff, under-ſheriff or coroner to be executed. And the ſheriff, under-ſheriff, and coroners, and their deputies, ſhall, upon the receipt of any ſuch writ, without fee, indorſe upon the back-ſide thereof, the day of the month and year whereon they received the ſame. *Eng. Stat.* 29 *Car.* 2. *cap.* 3. *ſect.* 16. Delivery of writ.

X. *Stat.* 6 *Ann. cap.* 7. *ſect.* 1. No officer having execution of writs ſhall receive or demand fees for executions, for more than what the party, at whoſe ſuit the execution iſſues, or their attorney or agent ſhall, under his or her hand, certifie to be due thereon; Fees for executions.

(2) And at the time any writ of execution ſhall be demanded in any office whence ſuch execution is to iſſue, the party demanding the ſame ſhall lodge with the officer a certificate under the hand of the party for whom ſuch execution is demanded, or of his attorney, containing ſuch ſum as the party at whoſe ſuit ſuch execution ſhall iſſue, inſiſts on to be due to him after all equitable deductions out of the ſum for which the judgment is given. Writs to be marked.

(3) Which certificate ſhall be filed in the ſaid office, and the ſum therein contained ſhall be entered in the book where the executions are entered, and alſo on the foot of the writ of execution that ſhall iſſue, for all which the fee of twelve pence, and no more, ſhall be demanded or taken. Certificate to be filed.

(4) And no officer having execution of writs ſhall levy any greater ſum or demand, or receive more fees on ſuch execution, than for ſuch ſum as ſhall be ſo entered on the foot of ſuch execution, notwithſtanding ſuch execution ſhall contain a greater ſum than is ſo entered on the foot thereof; and no execution ſhall be executed, at the foot of which ſuch entry ſhall not be made as is aforeſaid. Duty of officers.

XI. *ſect.* 2. In caſe on any ſuch execution, the ſheriff or officer having executions of writs, ſhall demand or receive fees for more than appears to be due by ſuch certificate, ſuch ſheriff or under officer ſhall be liable to the action of the party againſt whom ſuch execution iſſues, and ſhall forfeit to the ſaid party their double damages. Action againſt officers.

(2) And if the parties at whoſe ſuit ſuch execution ſhall iſſue, or their attorney or agent ſhall omit to deliver an atteſted copy as aforeſaid of ſuch certificate, together with ſuch writs of execution, or ſhall appear wilfully and maliciouſly to have overcharged the party againſt whom ſuch execution iſſues in ſuch certificate, given in or made by them, the party at whoſe ſuit ſuch execution iſſues, ſhall forfeit to the party grieved their treble damages. Treble damages.

XII. *ſect.* 3. On all executions by *capias ad ſatisfaciendum*, *fieri facias* or *elegit*, where body, goods, or chattels are taken in execution, the ſheriff or other officer aforeſaid, may after ſuch execution executed, demand and take for his fees for ſuch execution, twelve pence *per* pound for the firſt hundred pounds, Fees for ſums levied.

and ſix pence *per* pound for every other hundred pounds, and ſo proportionably for what ſhall appear to be due to the plaintiff by ſuch certificate, and no more.

Value of goods taken.

(2) Except where goods and chattels only are taken in execution which do not amount to the value of the plaintiffs demand, and in ſuch caſe the ſheriff or other officer may take fees according to the above-mentioned rate, for ſo much only as the goods taken in execution ſhall amount unto, and as he ſhall levy and pay over to the plaintiff.

Lands taken in cuſtodium.

XIII. *ſect.* 4. On executions by writs of *elegit*, *extendi facias*, *capias utlagatum*, *liberate*, and all other executions againſt lands, where the ſame ſhall be ſeized into the Queen's hands for the benefit of the ſubject, or legal poſſeſſion only ſhall be delivered, the ſheriff or other officer aforeſaid may demand and take one pound ſix ſhillings and eight pence for executing the ſame, and no other fees of poundage.

Fees on *elegit*.

(2) And on executions by writ of *elegit*, *liberate*, and where actual poſſeſſion of lands ſhall be delivered, the ſheriff or other officer may demand and receive twelve pence in the pound, ſo as the fees upon any one execution do not exceed five pounds.

Delivering poſſeſſions.

(3) And in caſes of *habere facias poſſeſſionem*, two pounds ten ſhillings and no more, which fees and no other reward he may receive, but ſhall not demand or receive the ſame, until the ſaid writs are fully executed.

Writs to coroners.

XIV. *ſect.* 5. Where any ſheriff ſhall on meſne proceſs or execution return, that the perſon againſt whom ſuch meſne proceſs or execution iſſues, cannot be found, or that he hath not any goods or lands, the plaintiff may take out the ſame, or any other meſne proceſs or execution directed to any the coroners of the ſaid county, who ſhall execute the ſame without any further direction, or regard to the ſheriffs.

Duty of coroners.

(2) And the coroners are authorized to take bail for the appearance of ſuch perſons taken by them on meſne proceſs, as the ſheriff might have done, and ſhall be liable to an action in caſe of eſcape of any perſon in their cuſtody, on ſuch meſne proceſs or execution as the ſheriff ſhould have been, if the ſaid writ had been executed by him, and the coroners may take ſuch fees for execution of the ſaid ſeveral writs as is by this act appointed; and in caſe the coroners ſhall commit any perſons ſo taken by them to the county gaol, the gaoler is required to receive and detain them.

Penalty on ſheriffs, &c.

XV. *ſect.* 6. Where any ſheriff or other officer as aforeſaid, ſhall wilfully neglect, delay, or refuſe to execute any ſuch executions, or to do any part of his office therein, or ſhall demand or receive any other fee, gratification, or reward than as above mentioned, or ſhall not hold an inquiry on ſuch writ of *elegit*, *extendi facias* or *capias utlagatum*, within ten days after ſuch *elegit*, *extendi facias* or *capias utlagatum* delivered or tendered to them, or ſhall hold ſuch inquiry at any place, ſave the chief town in the county, or ſuch other place as ſhall be agreed on between him and the party delivering ſuch writ to him, or without giving notice in writing, eight days before the execution thereof, to the ſaid party, of the time and place of holding ſuch inquiry, ſuch ſheriff or other officer ſhall forfeit to the party grieved twenty pounds, or treble damages, at the election of the plaintiff, to be recovered in any of her Majeſty's courts of record.

Payment to the party.

(2) And any money received by ſuch ſheriff or other officer on any execution, ſhall be paid on demand, or within ſix days after, to the party at whoſe ſuit the execution iſſues, or to his or her attorney or aſſigns, after the return of

of the ſaid execution be out; and in caſe they delay or refuſe to do the ſame, they ſhall pay to the plaintiff, or any perſon by them lawfully authorized, double the ſum ſo levied and received.

(3) And if upon any ſuch inquiry any leaſe for years ſhall be found before the ſale thereof, the ſheriff or other officer aforeſaid, before whom ſuch inquiry ſhall be held, ſhall, after ſuch inquiry, give notice in writing under his hand, that ſuch leaſe has been found, and therein name the parties both plaintiff and defendant, and the debt, intereſt, and coſts demanded, and the lands or tenements found thereby, and affix the ſaid notice in the moſt publick place in the ſhire town of the county, town, or city, wherein ſuch leaſehold lands and tenements lie, eight days before any ſale ſhall be made of ſuch leaſe. Leaſe for years found.

(4) Provided that no more ſhall be recovered againſt any ſheriff, coroner, or marſhal of the four courts, in any action of eſcape to be brought againſt them, than the ſums ſo certified to be due, with coſts of court and damages for nonpayment. Actions of eſcape.

Executors.

I. *Eng. Stat.* 4 *Edw.* 3. *cap.* 7. Executors for a treſpaſs done to their teſtators, as of the goods of the teſtators carried away in their life, ſhall have actions againſt the treſpaſſers, and recover damages, in like manner as they whoſe executors they be ſhould have had, if they were in life. Actions againſt treſpaſſers.

II. *Eng. Stat.* 9 *Edw.* 3. *cap.* 3. In a writ of debt brought againſt divers executors, the ſame executors ſhall have but one eſſoign before appearance, that is to ſay, at the ſummons or attachment, nor after appearance, they ſhall have but one eſſoign, as the teſtator ſhould have had, ſo that executors ſhall not fourch by eſſoign. Writs of debt.

(2) And tho' the ſheriff anſwer at the ſummons, that any of them have nought wherewith he may be ſummoned, yet there ſhall be an attachment awarded upon him; and if the ſheriff anſwer that he had nought whereby he may be attached, the great diſtreſs ſhall be awarded, ſo that at the great diſtreſs returned, they that firſt appear ſhall anſwer to the plaintiff. Attachments, &c.

(3) And though ſome of them have appeared, and make default at the day that the great diſtreſs is returned upon the other, yet they ſhall be put to anſwer that firſt appeared upon the great diſtreſs returned; and in caſe the judgment paſs for the plaintiff, he ſhall have his judgment and execution againſt them that have pleaded, and againſt all the other named in the writ, of the goods of the teſtator, as well as if they had all pleaded. And if any in ſuch caſe will ſue after the law that hath been uſed heretofore he may do it. Anſwer on appearance.

III. *Eng. Stat.* 25 *Edw.* 3. *Stat.* 5. *cap.* 5. Executors of executors ſhall have actions of the debts, accounts, and goods of the firſt teſtators carried away, and executions of ſtatutes merchants and recognizances made to the firſt teſtator, in the ſame manner as the firſt teſtator ſhould have. And executors of executors ſhall anſwer to others of as much as they have recovered of the goods of the firſt teſtator, as the firſt executors ſhould do. Executors of executors.

IV. *Stat.*

Executor of his own wrong.

IV. *Stat.* 10 *Car.* 1, *ſeſſ.* 3. *cap.* 10. Every perſon that ſhall receive any goods or debts of any inteſtate, or a releaſe of any debt or duty that belonged to the inteſtate, upon any fraud, or without ſuch conſideration as ſhall amount to the value of the goods and debts, or thereabouts, except it be in ſatisfaction of ſome juſt debt of the value of the goods or debts to him owing by the inteſtate at the time of his deceaſe, ſhall be chargeable as executor of his own wrong, ſo far as ſuch goods and debts coming to his hands, or whereof he is releaſed by ſuch adminiſtrator will ſatisfy, deducting allowance of all juſt debt upon good conſideration, without fraud, owing to him by the inteſtate, and of all other payments made by him, which lawful executors or adminiſtrators ought to have. *Eng. Stat.* 43 *Eliz. cap.* 8.

Waſting goods.

V. *Stat.* 7 *Will.* 3. *cap.* 6. *ſect.* 12. The executors and adminiſtrators of perſons, who as executors in their own wrong, or as adminiſtrator ſhall waſte or convert any aſſets of any perſon deceaſed to their own uſe, ſhall be chargeable to make good the ſame out of the aſſets of ſuch teſtator or inteſtate. *Eng. Stat.* 30 *Car.* 2. *cap.* 7. *ſect.* 2.

Devaſtavit.

VI. *Stat.* 5 *Geo.* 2. *cap.* 4. *ſect.* 9. No ſheriff or other officer ſhall return a *devaſtavit*, but upon an inquiſition taken on the oath of twelve lawful men of the county, to whom proper challenges may be taken.

Notice of inquiſition.

(2) And the plaintiffs or their attorneys or agent, ſhall give the defendants in ſuch ſuit, or their attorney or known agent, fifteen days notice of the taking ſuch inquiſition, before the taking thereof, and of the time and place of taking the ſame.

County where committed.

(3) And ſuch inquiſition ſhall not be taken in any county where no evidence of a *devaſtavit* can be given which was committed in ſuch county, unleſs in caſes where the entire *devaſtavit* committed, ſhall appear to have been out of the kingdom.

Exemplifications.

Originals exemplified.

I. *Stat.* 12 *Eliz. cap.* 2. *ſect.* 1. All exemplifications to be made of any record, judgment, fine, proceſs, enrolment, office, letters patent, or of any ſtatute or other matter of record under the great ſeal of this realm, and under the ſeals of her Majeſty's courts of chief place, common place and exchequer in this realm, and ſubſcribed by the lord chancellor, both the chief juſtices and chief baron, ſhall be of the ſame effect and validity, and ſhall have the ſame credit in all courts and places, as the originals ſo exemplified ſhould have, if the ſame were pleaded and ſhewed forth.

Warrant for affixing ſeals.

II. *ſect.* 2. In every exemplification to be made by virtue of this act, ſhall be written and inſerted for warrant of the affixing of the ſeals before ſpecified to the ſame exemplification theſe words following, *in cujus rei teſtimonium his literis noſtris patentibus tam magnum ſigillum noſtrum regni noſtri Hiberniæ quam ſigilla noſtra curiarum noſtrarum capitalis placeæ noſtræ, communis banci noſtri & ſcaccarii noſtri in regno noſtro præd' apponi fecimus, juxta tenorem & effectum ſtatuti in hac parte æditi.*

Officer to put the ſeals.

(2) And upon the ſight of every exemplification ſealed with any of the ſaid ſeals in form aforeſaid, and of the record, inrolment, or matter ſo exemplified, the officers that ſhall for the time have the cuſtody of the other ſeals before

before ſpecified, ſhall have authority, by virtue of this act, to put to the ſeals, being in their cuſtody.

Export.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 9. *ſect.* 3. If any perſons upon any pretence, load or put on board, or pack, or cauſe or procure to be loaden, put on board, or packed to be loaden or put on board of any ſhip or veſſel not bound directly to ſome port or place in Great Britain or Ireland, or ſhall lade or cauſe or procure to be laden on board any boat or veſſel, or bring, or cauſe to be brought, to any quay, wharf, or other place, to be ſo loaden or put on board, any machine, engine, tool, preſs, paper, utenſil, or implement whatſoever, now or at any time hereafter uſed in, or proper for preparing, working, preſſing, finiſhing, or compleating the woollen, cotton, linen, or ſilk manufactures of this kingdom, or any or either, or any other goods wherein wool, cotton, linen, or ſilk, or any or either are or is uſed, or any part of ſuch machine, engine, tool, preſs, paper, utenſils, or implements, by what name ſoever called or known, or any model or plan of any ſuch, or any part or parts thereof, and complaint being made upon oath of one or more credible witneſs or witneſſes before any juſtice of peace, it ſhall be lawful for ſuch juſtice to iſſue warrant not only to ſeize all ſuch machines, engines, tools, preſs, papers, utenſils, or implements, and parts thereof, and all ſuch models, or plans and parts thereof, with the packages, and all other goods packed therewith, if any be, but alſo to bring the perſons ſo complained of before him, or ſome other juſtices of peace for ſame county, city, or place; and if when ſuch perſons ſhall be brought before ſuch juſtices, they ſhall not give ſuch an account of the uſe or purpoſe to which ſuch machines, engines, tools, preſs, paper, utenſils, or implements, and parts thereof, and all ſuch models or plans, and parts thereof, are intended to be appropriated, as ſhall be ſatisfactory to the juſtices before whom brought, it ſhall be lawful for ſuch juſtices not only to cauſe all ſuch machines, engines, and other articles together with the packages, and all other goods packed therewith, to be detained, but alſo to bind the perſons ſo charged to appear next aſſizes or quarter ſeſſions for the county, city, or place where ſuch offence committed, with reaſonable ſureties for appearance; and in caſe ſuch perſon or perſons ſhall refuſe or neglect to give ſuch ſecurity, it ſhall be lawful for ſuch juſtices to commit perſons ſo refuſing to the common gaol or houſe of correction until next aſſizes, or quarter ſeſſions of the county, city, or place where ſuch commitment ſhall be, and until delivered by due courſe of law; and in caſe any ſuch perſons ſhall be convicted of any of offences aforeſaid upon any indictment or information, at ſuch aſſizes or quarter ſeſſions, the perſons ſo offending ſhall for every ſuch offence not only forfeit all ſuch machines, engines, tools, preſs, paper, utenſils and implements, model, or plans, or parts thereof reſpectively, with the packages, and all other goods packed therewith, if any ſuch, but alſo two hundred pounds, and alſo ſuffer impriſonment in the common gaol, priſon, or houſe of correction of the county, city, or place wherein ſuch offenders reſpectively convicted, for twelve months, without bail or mainprize, and until ſuch forfeiture paid.

Exporting machine, implements, &c. or model or plan ſeized with the goods, &c.

brought before a juſtice,

if ſatisfactory account not given ſeized,

bound to appear next aſſizes or ſeſſions,

or committed,

on conviction forfeited, and 200l.

and impriſoned 12 months, and till payment.

II. *ſect.* 4. It ſhall be lawful for any officers of revenue, and they are required to ſeize and ſecure in ſome one of his Majeſty's warehouſes all ſuch machines,

Officers may ſeize,

machines, engines, tools, preſs, paper, utenſils or implements, or parts thereof, and all ſuch models or plans or parts thereof, as ſuch officers find and diſcover to be laid or put on board, or intended to be laid or put on board any ſhip, veſſel, or boat, not bound directly to Great Britain or Ireland, contrary to true intent of this act, with the packages and all other goods packed therewith, if any ſuch be, and they are hereby indemnified in ſo doing; and all machines, engines, tools, preſs, papers, utenſils and implements, or parts thereof, models or plans or parts thereof, with the packages, and goods packed therewith, ſo ſeized and ſecured, ſhall after condemnation in due courſe of law be publickly ſold to the beſt bidder by order of the commiſſioners of revenue; and one moiety of the produce from the ſale, after deducting charges of condemnation and ſale, ſhall be to the uſe of his Majeſty, his heirs and ſucceſſors, the other to the officer who ſhall ſeize and proſecute.

ſold on condemnation,

to K. and proſecutor.

The captain, &c. forfeit 200l.

III. *ſect.* 5. If the captain or maſter of any ſhip, veſſel, or boat, ſhall knowingly or deſignedly permit any machine, engine, tool, preſs, paper, utenſil or implement, or any part thereof, or any model or plan or part thereof, by this act prohibited to be exported, to be put on board, every ſuch captain or maſter ſhall for every ſuch offence forfeit two hundred pounds, and if the ſaid ſhip, veſſel, or boat belong to his Majeſty, his heirs or ſucceſſors, the captain or maſter ſhall not only forfeit two hundred pounds, but alſo be incapable of holding any office or employment under his Majeſty, his heirs and ſucceſſors.

and incapable of ſerving.

Penalty on revenue officer 200l. and forfeiture of office.

IV. *ſect.* 6. If any cuſtomer, comptroller, ſurveyor, ſearcher, waiter, or other officer of revenue, ſhall take, or knowingly or willingly ſuffer to be taken, any entry outward, or ſign any cocket, warrant, or ſufferance for ſhipping or exporting any of ſaid machines, engines, tools, preſs, paper, utenſils or implements, or any part, or any of ſaid models or plans, or any part by this act prohibited to be exported, or knowingly or willingly permit the ſame to be done directly or indirectly contrary to true intent of this act, every ſuch cuſtomer, comptroller, ſurveyor, ſearcher, waiter, or officer ſhall for every ſuch offence forfeit two hundred pounds, and alſo his office, and be incapable of holding any office or employment under his Majeſty, his heirs and ſucceſſors, in this kingdom.

Penalties recovered by debt, &c.

V. *ſect.* 7. The penalties and forfeitures before mentioned (the manner of recovery whereof is not before particularly directed) ſhall be ſued for and recovered by action of debt, bill, plaint, or information in any of the four courts in name of attorney general, or of ſome officer of revenue of Ireland, wherein no eſſoign, protection, privilege, wager of law, or more than one imparlance allowed; and one moiety ſhall be applied to the uſe of his Majeſty, his heirs and ſucceſſors, the other to ſuch officer of revenue, as ſhall proſecute for the ſame, after deducting charges of proſecution.

to K. and proſecutor.

Perſons having or procuring to be made ſuch machines to be exported,

VI. *ſect.* 8. If any perſons have in cuſtody, power, or poſſeſſion, or collect, obtain, make, apply for, or cauſe or procure to be made any ſuch machine, engine, tool, preſs, paper, utenſil, or implement, or any part, or any ſuch model or plan, or part thereof, as aforeſaid, to export, or that the ſame may be exported, to ſome other port or place than Great Britain, or port in this kingdom, and

on oath brought before a juſtice,

complaint being made, upon oath of one or more credible witneſſes, before any juſtice of peace, that there is reaſon to believe ſuch perſons have in cuſtody, power, or poſſeſſion, or have collected, obtained, made, applied for, or cauſed or procured to be made, any ſuch, that the ſame may be exported to ſome other port or place than Great Britain, or port in this kingdom, it ſhall be lawful for

ſaid

ſaid juſtice to iſſue warrant to ſeize all ſuch, and to bring the perſons ſo complained of before him, or ſome other juſtices for the ſame county, city, or place; and if ſuch perſons ſhall not give ſuch an account of the uſe or purpoſe to which ſuch machines, engines, tools, preſs, papers, utenſils, or implements, or parts, models or plans or parts thereof, are or were intended to be appropriated, as ſhall be ſatisfactory to the juſtices before whom brought, it ſhall be lawful for ſuch juſtices to cauſe all ſuch machines, engines, tools, preſs, paper, utenſils, or implements, or parts, models or plans, or parts ſo ſeized, to be detained, and alſo to bind the perſons ſo charged to appear next aſſizes, general gaol delivery, or quarter ſeſſions for the county, city, or place where ſuch offence committed, with reaſonable ſureties for appearance; and in caſe ſuch perſons refuſe or neglect to give ſuch ſecurity, it ſhall be lawful for ſuch juſtice to commit to the county gaol, priſon, or houſe of correction, until next aſſizes or quarter ſeſſions of the county, city, or place where ſuch commitment ſhall be, and until delivered by due courſe of law: and in caſe any ſuch perſons ſhall be convicted upon indictment or information at ſuch aſſizes or quarter ſeſſions, of having, or having collected, obtained, made, applied for, or cauſed, or procured to be made, any ſuch machine, engine, tool, preſs, paper, utenſil, or implement, or part thereof, model, or plan, or part, with ſuch intent, the perſons ſo convicted ſhall for every ſuch offence, forfeit all ſuch ſo ſeized and detained, and alſo two hundred pounds, and ſuffer impriſonment in the common gaol of the county, city, or place wherein convicted, for twelve months, without bail or mainprize, and until paid.

if no ſatisfactory account detained,

bound to appear next aſſizes, &c.

with ſureties, on neglect committed,

on conviction 200l. and impriſoned 12 months and till paid.

VII. *ſect.* 9. No perſon ſhall be proſecuted for any offences in this clauſe mentioned, unleſs commenced within twelve months next after ſuch offence committed.

Proſecution in 12 months.

VIII. *ſect.* 10. The reſpective forfeitures by this act, ſhall, (where not by this act otherwiſe provided) be applied to uſe of informer, after expences of proſecution paid.

Penalties (not otherwiſe provided,) to informer.

IX. *ſect.* 11. If any ſuit or action againſt any for what he ſhall do in purſuance of this act, ſuch ſuit ſhall be commenced within ſix months next after the fact committed; and the perſon ſo ſued may file common bail, or enter a common appearance, and plead general iſſue, not guilty, and give this act and ſpecial matter in evidence; and if the plaintiff or proſecutor become nonſuit, or ſuffer diſcontinuance, or a verdict paſs againſt him or her, or if upon demurrer, judgment againſt plaintiff, the defendant ſhall recover treble coſts.

Suits for acting in 6 months,

general iſſue pleaded, &c.

and treble coſts on nonſuit, &c.

X. *ſect.* 12. Nothing herein ſhall extend to preventing wool cards or ſtock cards, not exceeding four ſhillings per pair, and ſpinners cards not exceeding one ſhilling and ſix pence per pair, uſed in ſaid woollen manufacture, from being exported to his Majeſty's colonies or plantations in America.

Wool or ſtock cards, 4s. per pair, ſpinner's 1s. 6d. exported to colonies.

Extortion.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 26. No ſheriff, or other the King's miniſters, ſhall take any reward to do his office, but ſhall be paid of that which they take of the King, and he that doth, ſhall yield twice as much, and ſhall be puniſhed at the King's pleaſure.

Taking rewards.

Extortion.

Fees to clerks.

II. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 27. No clerk of juſticer, of eſcheator, or of inquirer, ſhall take any thing for delivering chapiters, but only clerks of juſticers errants, in their eyres, which ſhall take 2s. and no more, of every wapentake, hundred or town, that anſwereth by twelve or ſix, as it hath been uſed; and he that doth contrary, ſhall pay thrice ſo much as he hath taken, and ſhall loſe the ſervice of his maſter for one year.

Penalties on officers.

III. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 30. Officers, criers of fee, and marſhals of Juſtices in eyre, ſhall not take money wrongfully of ſuch as recover ſeiſin of lands, or of them that obtain their ſuits, or of fines levied, or of jurors, towns, priſoners, or of other attached upon pleas of the crown, otherwiſe than they ought to do; and if any officer of fee do it, his office ſhall be taken into the King's hands; and if any of the juſticers marſhals do it, they ſhall be grievouſly puniſhed at the King's pleaſure: and as well the one as the other ſhall pay to all complainants the treble value of that they have received.

Faculties.

Recital of the Engliſh act.

I. *Stat.* 28 *Hen.* 8. *cap.* 19. *ſect.* 1. Where in a parliament begun in England in the twenty firſt year of King Henry the eighth, and by prorogation continued, it was enacted amongſt other things in manner as followeth.

Manner of obtaining diſpenſations.

II. *ſect.* 3. Neither the King nor any ſubjects of this realm, ſhall ſue to the pope or ſee of Rome, for licences, diſpenſations, impoſitions, faculties, grants, reſcripts, delegacies, or any other inſtruments, but every ſuch licence, &c. ſhall be obtained within this realm in manner following, viz. the archbiſhop of Canterbury ſhall have power to grant unto his Majeſty all manner ſuch licences, &c. for cauſes not contrary to the holy ſcriptures and laws of God, as hath been uſed to be had at the ſee of Rome.

Archbiſhop may grant licences.

III. *ſect.* 4. The archbiſhop ſhall have power to grant to any ſubject licences, &c. for any cauſe whereof ſuch licences, &c. have been accuſtomed to be had at the ſee of Rome, or of any prelate of this realm.

Licences in caſes not accuſtomed.

IV. *ſect.* 5. The archbiſhop ſhall not grant any other licence, &c. in cauſes not accuſtomed to be had at the court of Rome, nor by any prelate of this realm, until the King or council be advertiſed thereof, and determine whether ſuch licences, &c. ſhall commonly paſs as other diſpenſations, &c. upon pain that the grantors of every ſuch licence, &c. ſhall make fine at the will of the King. And if it be determined by the King or the council, that diſpenſations, &c. in any ſuch cauſe unwont ſhall paſs, the archbiſhop having licence of the King by bill ſigned, ſhall diſpenſe with them accordingly.

Confirmation under the great ſeal.

V. *ſect.* 6. Provided that no diſpenſations, &c. to be granted by authority of this act by the archbiſhop or his commiſſary, being of ſuch importance, that the tax for the expedition thereof at Rome extended to 4l. ſhall be put in execution till the ſame be firſt confirmed by the King under the great ſeal, and inrolled in chancery: And this act ſhall be ſufficient warrantry to the chancellor to confirm the aforeſaid writings, paſſed under the archbiſhop's ſeal by letters patent.

Licences under the archbiſhop's ſeal.

(2) And all ſuch licences, &c. for the expedition of which the taxes to be paid at Rome was under 4l. which be matters of no great importance, ſhall

ſhall paſs only by the archbiſhop's ſeal, unleſs the procurers of ſuch licence, &c. deſire to have them confirmed; in which caſe they ſhall pay for the great ſeal to the uſe of the King 5s. beſide ſuch tax as ſhall be limited for the making, writing, regiſtring, confirming, and inrolling of ſuch licence, &c.

VI. *ſect.* 7. Every ſuch licence, &c. for ſuch cauſes as the tax was wont to be 4l. or above, ſo granted by the archbiſhop, and confirmed under the great ſeal, and all other licences, &c. to be granted by the archbiſhop by virtue of this act, whereunto the great ſeal is not of neceſſity to be put, ſhall be effectual without revocation. Effectual and without revocation.

VII. *ſect.* 8. Children procreated after ſolemnization of marriages by virtue of ſuch licences or diſpenſations ſhall be legitimate, and all acts done according to ſuch licences, &c. ſhall be in force. Children legitimate.

VIII. *ſect.* 9. The archbiſhop ſhall have power to make a clerk, which ſhall write and regiſter every ſuch licence, &c. and ſhall find parchment, wax, and laces for the ſame; and the King ſhall by letters patent depute one clerk learned in the chancery, which ſhall be attendant upon the lord chancellor, and ſhall make and inrol the confirmations of ſuch licences, &c. and ſhall alſo inrol ſuch other writings as ſhall be brought under the archbiſhop's ſeal. Archbiſhop may make a clerk.

(2) And as well the clerk appointed by the archbiſhop as the clerk appointed by the King, ſhall ſubſcribe their name to every ſuch licence, &c. that ſhall come to their hands. Clerks to ſubſcribe their names.

IX. *ſect.* 11. There ſhall be two books made of one tenor, in which ſhall be contained the taxes of all cuſtomable diſpenſations, &c. wont to be ſped at Rome, and both ſides of every leaf ſhall be ſubſcribed by the archbiſhop of Canterbury, the lord chancellor, the lord treaſurer, and the two chief juſtices, to which books all ſuitors for diſpenſations, &c. ſhall have recourſe; and one of the books ſhall remain in the hands of the regiſter and ſcribe of ſaid faculties, &c. under the archbiſhop of Canterbury, and the other book ſhall remain with the clerk or the chancery, which by the King ſhall be appointed as before rehearſed; which clerk of the chancery ſhall alſo note in his book the number and quality of the diſpenſations, &c. which ſhall be ſealed only with the ſeal of the archbiſhop, and alſo which ſhall be ſealed with the ſaid ſeal, and confirmed with the great ſeal. Books of taxes.

X. *ſect.* 12. No man ſuing for diſpenſations, &c. which were wont to be ſped at Rome, ſhall pay any more than ſhall be taxed in the ſaid books, compoſitions excepted, the tax whereof ſhall be ſet by the archbiſhop and the lord chancellor; and ſuch as ſhall receive of any ſuitor more for any diſpenſation, &c. than ſhall be contained in the books, ſhall forfeit ten times ſo much; the one half to the King, and the other half to ſuch ſubjects as will ſue for the ſame. Fees for diſpenſations.

XI. *ſect.* 13. The tax appointed to be paid for every ſuch diſpenſation, &c. ſhall be employed as enſueth, viz. if the tax extend to 4l. the ſaid tax ſhall be divided into three parts, whereof two ſhall be received by the clerk of the chancery, to the uſe of the King, and the lord chancellor and of the clerk, and the third part ſhall be taken by the clerk of the archbiſhop, to the uſe of the archbiſhop and his commiſſary, and his ſaid clerk and regiſter; and the ſaid two parts ſhall be divided in four parts, of which three parts ſhall be taken to the only uſe of the King, and the fourth part ſhall be divided in three parts, whereof the chancellor ſhall have two parts, and the Diſpoſal of taxes.

clerk of the chancery the third part; and the third part appointed to the archbiſhop and his officers, ſhall be divided in three parts, whereof the archbiſhop ſhall have two parts, and his officers ſhall have the third part, of which third part the clerk which ſhall find parchment, wax, and ſilk, and ſhall write the ſaid diſpenſations, &c. ſhall have the one moiety, and the commiſſary of the archbiſhop appointed to ſeal the ſaid diſpenſations, &c. ſhall have the other part.

Taxes under 4l. XII. *ſect.* 14. If the tax be under 4l. and not under 40s. the ſaid tax ſhall be divided into three parts, whereof the King ſhall have two parts, abating 3s. 4d. which ſhall be to the ſaid clerk of the chancery for inrolling; and the archbiſhop and his officers ſhall have the third part, which third ſhall be divided into two parts, whereof the archbiſhop ſhall have the one, his ſcribe and commiſſary the other.

Taxes under 40s. (2) And if the tax be under 40s. and not under 26s. 8d. the ſame ſhall be divided into two parts, whereof the one ſhall be to the King, deducting thereof 2s. for the clerk of the chancery aforeſaid; and the other part ſhall be to the archbiſhop and his officers, which ſhall be divided into two parts, whereof the archbiſhop ſhall have the one, and his commiſſary and ſcribe the other.

Taxes under 26s. 8d. (3) And if the tax be under 26s. 8d. and not under 20s. the ſame ſhall be divided into two parts, whereof the King ſhall have the one part, abating 2s. thereof to the ſaid clerk of the chancery, and the archbiſhop and his officers ſhall have the other part, and the ſame ſhall be divided into three parts, whereof the archbiſhop ſhall have one, his commiſſary the ſecond, and his ſcribe or regiſter the third; and in caſe the tax be under 20s. the ſame ſhall be received to the uſe of the commiſſary, clerk of the ſaid archbiſhop, and clerk of the chancery, to be equally divided amongſt them.

Saving to biſhops. XIII. *ſect.* 15. This act ſhall not be prejudicial to the archbiſhop of York, or to any biſhop of this realm, but that they may diſpenſe in all caſes in which they were wont to diſpenſe by the common law.

Guardian of the ſpiritualities. XIV. *ſect.* 16. If the ſee of the archbiſhop of Canterbury be void, ſuch licences, &c. ſhall be granted under the ſeal of the guardian of the ſpiritualities.

Refuſal to grant diſpenſations. XV. *ſect.* 17. If the archbiſhop of Canterbury, or the guardian of the ſpiritualities refuſe to grant any licences, &c. which they be authorized to do by this act, the chancellor ſhall direct the King's writ to the archbiſhop, &c. enjoining him that he ſhall in due form grant ſuch licence, &c. or elſe ſignify in the chancery for what cauſe he refuſed to grant ſuch licences, &c. and if it ſhall appear to the chancellor upon ſuch certificate, that the cauſe of refuſal was juſt, then to be allowed.

Injunction out of chancery. (2) And if it ſhall appear that the archbiſhop, &c. without a juſt cauſe, refuſed to grant ſuch licence, &c. the King ſhall have power to ſend an injunction under the great ſeal out of chancery, commanding the archbiſhop or guardian to make grant thereof by a certain day, and under a certain pain; and if the archbiſhop or guardian, after receipt of the writ, refuſe to grant ſuch licences, &c. and ſhew before his Majeſty no juſt cauſe why they ſhould ſo do, the ſaid archbiſhop or guardian ſhall forfeit to the King ſuch pain as ſhall be limited in the injunction.

Commiſſion to be granted. (3) And it ſhall be lawful to his Highneſs to give power by commiſſion under his great ſeal, to two ſpiritual perſons to grant ſuch licences, &c.

Power of the commiſſioners. XVI. *ſect.* 18. The two ſpiritual perſons to whom ſuch commiſſion ſhall be directed, ſhall have power to grant ſuch licence, &c. ſo refuſed to be granted by the archbiſhop or guardian, taking like fees as before rehearſed.

XVII. *ſect.*

XVII. *ſect.* 20. Provided that the archbiſhop of Canterbury ſhall have no power by this act to viſit any colleges, hoſpitals or other places religious which be exempt, but that redreſs, viſitation, and confirmation ſhall be had by the King by commiſſion under the great ſeal, ſo that no viſitation be had by the biſhop of Rome; nor that any perſon reſiant in the King's dominions depart out of the King's dominions to any viſitation or aſſembly for religion. Viſitation of exempt places.

XVIII. *ſect.* 21. Provided that this act, or any diſpenſation by virtue thereof, ſhall not extend to the repeal of the late act, 21 *Hen.* 8. *cap.* 13. for reformation of pluralities and non-reſidence; nor ſhall give licence to any perſon to have more benefices than is limited in the ſaid act. Act againſt pluralities.

Note, The act referred to in the preceding clauſe is not in force in this kingdom, further than as it may be conſidered as a reſtriction of the power of granting faculties for holding a plurality of benefices, for which reaſon ſo much of that ſtatute is here inſerted.

(1) Eng. Stat. 21 Hen. 8. cap. 13. ſect. 9. *If any perſon having one benefice with cure of ſouls, being of the yearly value of 8l. or above, accept and take any other with cure of ſouls, and be inſtituted and inducted in poſſeſſion of the ſame; then and immediately after ſuch poſſeſſion had thereof, the firſt benefice ſhall be adjudged in law to be void.* Taking a ſecond benefice.

(2) ſect. 10. *And it ſhall be lawful to every patron, having the advowſon thereof, to preſent another, and the preſentee to have the benefit of the ſame, in ſuch like manner and form as tho' the incumbent had died or reſigned; any licence, union, or other diſpenſation to the contrary notwithſtanding: and every ſuch licence, union, or diſpenſation, to be obtained contrary to this preſent act, of what name or quality ſoever they be, ſhall be utterly void and of none effect.* Patrons may preſent.

(3) ſect. 13. *Provided, that all ſpiritual men now being, or which hereafter ſhall be of the King's council, may purchaſe licence or diſpenſation, and take, receive, and keep three parſonages, or benefices, with cure of ſoul; and that all other, being the King's chaplains, and not ſworn of his council, the chaplains of the Queen, prince or princeſs, or of any of the King's children, brethren, ſiſters, uncles, or aunts, may ſembably purchaſe licence, or diſpenſation, and retain and keep two parſonages and benefices with cure of ſoul.* The King's council. The King's chaplains.

(4) ſect. 14. *And in like wiſe, every archbiſhop and duke may have ſix chaplains, whereof every one ſhall and may purchaſe licence or diſpenſation, and take, receive, and keep two parſonages or benefices with cure of ſoul.* Archbiſhops and dukes.

(5) ſect. 15. *And every marquis, and earl, may have five chaplains, whereof every one may purchaſe licence or diſpenſation, and take, receive, and keep two parſonages or benefices with cure of ſoul.* Marquiſſes, &c.

(6) ſect. 16. *And every viſcount, and other biſhop, may have four chaplains, whereof every one may purchaſe licence, and receive, have, and keep two parſonages or benefices with cure of ſoul, as is aforeſaid.* Viſcounts and biſhops.

(7) ſect. 17. *And the chancellor of England for the time being, and every baron, and knight of the garter, may have three chaplains, whereof every one ſhall now purchaſe licence or diſpenſation, and receive, have, and keep two parſonages or benefices with cure of ſoul.* Lord chancellor, &c.

(8) ſect. 18. *And that every dutcheſs, marchioneſs, counteſs, and baroneſs, being widows, may have two chaplains, whereof every one of them may purchaſe licence or diſpenſation, to receive, have, and keep two benefices with cure of ſoul.* Dutcheſſes, &c.

(9) ſect. 19. *And the treaſurer, and comptroller of the king's houſe, the king's ſecretary, and dean of his chapel, the king's amner, and the maſter of the rolls,* Great officers.

rolls, may have every of them two chaplains; (2) *and the chief juſtice of the king's bench one chaplain*; (3) *and the warden of the five ports for the time being, one chaplain*; *whereof every one may purchaſe licence, and receive, have, and keep two parſonages or benefices with cure of ſoul.*

Brethren and ſons of temporal lords.

(10) ſect. 20. *And the brethren and ſons of all temporal lords, which are born in wedlock, may every of them purchaſe licence or diſpenſation, and receive, have, and keep as many parſonages or benefices with cure, as the chaplains of a duke or an archbiſhop.*

Brethren and ſons of knights.

(11) ſect. 21. *And likewiſe the brethren and ſons born in wedlock of every knight may every of them purchaſe licence or diſpenſation, and receive, take, and keep, two parſonages or benefices with cure of ſoul.*

Chaplains to exhibit their letters.

(12) ſect. 22. *Provided always that the ſaid chaplains ſo purchaſing, taking, receiving, and keeping benefice with cure of ſoul, as is aforeſaid, ſhall be bound to have and exhibit, where need ſhall be, letters under the ſign and ſeal of the king, or other their lord and maſter, teſtifying whoſe chaplains they be, and elſe not to enjoy any ſuch plurality of benefices by being ſuch chaplain, any thing in this act notwithſtanding.*

Doctors and bachelors.

(13) ſect. 23. *Provided, that all doctors, and bachelors of divinity, doctors of law, and bachelors of the law canon, and every of them, which ſhall be admitted to any of the ſaid degrees by any of the univerſities of this realm, and not by grace only, may purchaſe licence, and take, have, and keep two parſonages or benefices with cure of ſoul*; (2) *ſo that always the ſaid liberty, by any of the proviſions aforeſaid given to any of the ſaid councellors, chaplains, and other perſons before ſpecified, to purchaſe licence or diſpenſation, and take, receive, and keep more benefices than one, after the manner and form aforeſaid, be taken and underſtood to extend in number to no more benefices with cure of ſoul than is above limited.*

Archbiſhops and biſhops.

(14) ſect. 24. *Provided alſo, that every archbiſhop, becauſe he muſt occupy eight chaplains at conſecrations of biſhops, and every biſhop, becauſe he muſt occupy ſix chaplains at giving of orders, and conſecration of churches, may every of them have two chaplains over and above the number above limited unto them, whereof every one may purchaſe licence and diſpenſation, and take, receive, and keep as many parſonages and benefices with cure of ſoul, as is before aſſigned to ſuch chaplains.*

Limited number of chaplains.

(15) ſect. 25. *Provided alſo, that no perſon, to whom any number of chaplains, or any chaplain, by any of the proviſions aforeſaid is limited, ſhall in any wiſe, by colour of any of the ſame proviſions, advance any ſpiritual perſons, above the number to them appointed, to receive or keep any more benefits with cure of ſoul, than is above limited by this act, any thing ſpecified in the ſaid proviſions notwithſtanding*; (2) *and if they do, then every ſuch ſpiritual perſon and perſons, ſo advanced above the ſaid number, to incur the pain and penalty contained in this act.*

Dignities in cathedrals.

(16) ſect. 31. *Provided alſo, that no deanry, archdeaconry, chancellorſhip, treaſurerſhip, chanterſhip, or prebend in any cathedral or collegiate church, nor parſonage that hath a vicar endowed, nor any benefice perpetually appropriate, be taken or comprehended under the name of benefice, having cure of ſouls, in any article afore ſpecified.*

Dutcheſſes, &c. being widows.

(17) ſect. 33. *Provided alſo, that every dutcheſs, marqueſs, counteſs, baroneſs, widows, which have taken, or that hereafter ſhall take, any huſbands under the degree of a baron, may take ſuch number of chaplains, as is above limited to them being widows, and that every ſuch chaplain may purchaſe licence to have and take ſuch number of benefices with cure of ſouls in manner and form as they might have done, if their ſaid ladies and miſtreſſes had kept themſelves widows.*

XIX. *ſect.*

XIX. *ſect.* 22. If any perſon within the king's dominions ſue to the court of Rome for any licence, &c. or put in execution any licence, &c. obtained from Rome, or from any claiming authority by the ſame, for any clauſes that may be granted by authority of this act, or attempt any thing contrary to thisact, or maintain or admit of cenſures or other proceſs from Rome to the derogation of this act, ſuch perſons being convict, their aiders, counſellors, and abettors, ſhall incur the penalty in the act of proviſion and præmunire. 16 *Rich.* 2. *cap.* 5. Suing to Rome for Licences, &c.

XX. *ſect.* 23. Provided that this act ſhall not be expounded to the derogation of any grant of any houſes or places exempt, which before this act have been obtained at Rome, or by authority thereof. Places exempt.

(2) Provided that the chief rulers and governors of ſuch houſes and places exempt ſhall not pay any penſion or other cenſe to the ſee of Rome, nor admit any viſitation, nor any confirmation, from the ſee of Rome, or by authority thereof, or for any perſon to be elected, named, or preſented, to be heads of ſuch houſes exempt, nor ſhall make any oath to the biſhop of Rome, upon the pain limited in this act; but every ſuch viſitation and confirmation of ſuch heads elect ſhall be made within this realm within ſuch houſes exempt by ſuch perſon as ſhall be appointed by the king's commiſſion. Penſions, &c. to Rome.

XXI. *ſect.* 24. Provided that in ſuch houſes exempt where no ſuch confirmation hath been uſed, they ſhall not be bound to take any confirmation, but uſe their privilege therein as before. Confirmation of privileges.

XXII. *ſect.* 27. The king by advice of his council, ſhall have power for the ordering and reformation of all indulgences and privileges thereof within this realm, heretofore obtained at the ſee of Rome, and of the abuſes of ſuch indulgences and privileges; and ſuch order as ſhall be taken by his highneſs in that behalf ſhall be obſerved upon the pains limited in this act. Indulgencies from Rome.

XXIII. *ſect.* 28. And for as much as it is mentioned in the ſaid act, that the effects thereof ſhould not only extend into the realm of England, but alſo to all other the king's dominions, and his ſubjects, and that Ireland is his proper dominion, and a member appending and rightfully belonging to the imperial crown of the ſaid realm of England, and united to the ſame, and alſo like inconveniencies have enſued within this land of Ireland as have been within England by reaſon of the uſurpation of the biſhop of Rome, the ſaid act ſhall be eſtabliſhed within this land of Ireland as a good law, and ſhall be within the ſaid land of the ſame force as it is within England, and all licences, diſpenſations, faculties, &c. obtained by any reſiant within this land, by authority of the ſaid act, ſhall be obeyed and executed within this land, and be good and effectual according to the tenor thereof. Extended to Ireland.

XXIV. *ſect.* 29. This act ſhall not be prejudicial to any archbiſhop, biſhop, or prelate of this land, but that they may lawfully diſpenſe in all cauſes in which they were wont to diſpenſe, by reaſon only of their own proper offices and dignities by the common law or cuſtom of this land. Saving to biſhops, &c.

XXV. *ſect.* 30. All perſons authorized and appointed by the king, his heirs and ſucceſſors, by commiſſion under his great ſeal, for the exerciſing of any juriſdiction eccleſiaſtical, or granting of any faculties, licences, diſpenſations, or other thing comprized in this act, ſhall have the like authority for the exerciſing or granting of the ſame, as the archbiſhop of Canterbury hath, or ſhall have by any authority, either within the ſaid realm of England, or this land of Ireland. Commiſſioners appointed, &c.

(2) And

Faculties.

Authority as in England.

(2) And the chancellor of this land, and all other perſons appointed by this act to execute any thing for the perfection of the ſame, ſhall have the ſame authority that the chancellor of England and all other perſons have by authority of this act within England. *This act is revived by* Stat. 2 Eliz. cap. 1.

Fairs and Markets.

Time of fairs limited.

I. *Eng. Stat.* 2 *Edw.* 3. *cap.* 15. It ſhall be commanded to all ſheriffs, where need ſhall require, to publiſh within liberties and without, that all lords which have fairs ſhall hold the ſame for the time that they ought and no longer: and that every lord at the beginning of his fair ſhall publiſh, how long the fair ſhall endure, that merchants ſhall not be at the ſame fairs over the time ſo publiſhed, upon pain to be grievouſly puniſhed towards the king, nor the king, nor the lords ſhall not hold them over the due time, upon pain to ſeize the fairs into the king's hands till they have made fine, after it be found that the lords held the fairs longer than they ought, or that the merchants have ſitten above the time publiſhed.

Forfeiture of double the value.

II. *Eng. Stat.* 5 *Edw.* 3. *cap.* 5. The merchants after the time publiſhed ſhall cloſe their booths and ſtalls without putting any merchandiſe to ſell there, and if it be found that any merchant ſell merchandiſe at the ſaid fairs after the time, ſuch merchant ſhall forfeit to the king, the double value of that that is ſold; and every man that will ſue for the king ſhall be received, and have the fourth part of that that is loſt at his ſuit.

Fairs on Sundays, &c.

III. *Eng. Stat.* 27 *Hen.* 6. *cap.* 5. *ſect.* 1. All fairs and markets in the principal feaſts, and Sundays, and Good-friday, ſhall ceaſe from ſhewing of goods, neceſſary victuals except, upon pain of forfeiture of the goods to the lords of the franchiſe, the four Sundays in harveſt only except. Nevertheleſs they which of old time had no day to hold their fair and market but only upon the feſtival days, ſhall have power to hold within three days next before the ſaid feaſts, or next after, proclamation firſt being made to the common people, upon which day the fairs ſhall be holden, to be certified without any fine or fee to the king. And they which of old have by ſpecial grant ſufficient days before the feaſts aforeſaid, or after, ſhall in like manner hold fairs and markets the full number of days, the ſaid feſtival days, and Sunday, and Good-friday, except.

Continuance.

IV. *ſect.* 2. Provided that this ordinance ſhall endure till the next parliament and ſo forth, except in the ſaid parliament a reaſonable cauſe be ſhewed, for the which it ſhall ſeem not expedient that the foreſaid ordinance ſhall endure.

Pleas of contracts in fairs.

V. *Eng. Stat.* 17 *Edw.* 4. *cap.* 2. No ſteward, bailiff, nor other miniſter of courts of Pie-powder ſhall hold plea upon any action, unleſs the plaintiff or his attorney in the preſence of the defendant, ſwear that the contract or other feat contained in the declaration, was made or committed within the fair, and within the time of the fair, and within the juriſdiction of the ſame; and the defendant ſhall not be concluded, but ſhall plead to the action, or in abatement, that the contract, treſpaſs, or other feat contained in ſuch declaration, was not committed

committed nor done within the time of the fair, and juriſdiction of the ſame, but out of the time of the fair or at other places.

(2) And if it be ſo tried, or the plaintiffs or their attornies refuſe to make the oaths aforeſaid, the defendants ſhall be diſmiſſed, the plaintiff to take his advantage at common law; and every ſteward or other miniſter holding any of the ſaid courts that doth the contrary, ſhall forfeit 100*s*. the one half to the king, and the other half to him that will purſue his action upon this ſtatute, in his own name. This act to endure till the next parliament, provided that this act be not prejudicial to the biſhop of Durham within the biſhoprick of Durham. *Made perpetual*, 1 Ric. 3. cap. 6. Penalty for ſuing otherwiſe.

VI. *Brit. Stat.* 24 *Geo.* 2. *cap.* 23. *ſect.* 4. The holding of all markets, fairs and marts, which are either fixed to certain nominal days of the month, or depending upon any certain day of any month, and all courts incident to, or uſually holden with ſuch fairs or marts, ſhall not be continued upon, or according to the nominal days of the month, or the time of the beginning of any month, to be computed according to the new calendar, but ſhall be holden upon the ſame natural days upon which the ſame ſhould have been holden, in caſe this act had not been made, that is to ſay, eleven days later than the ſame would have happened, according to the nominal days of the new ſupputation of time, by which the commencement of each month, and the nominal days thereof, are brought forward eleven days. *See Tit.* **Calendar.** Fairs, &c. on fixed days.

Falſe Judgment.

I. *Eng. Stat.* Marlber. 52 *Hen.* 3. *cap.* 20. None, except the king, ſhall hold plea of falſe judgment in the court of his tenants. Plea of falſe judgment.

II. *Eng. Stat.* 1 *Edw.* 3. *cap.* 4. When any record cometh into the king's court by writ of falſe judgment, where the party alledgeth that the record is otherwiſe than the court doth record the ſame, the averment ſhall be received of the country, and of them which were preſent in the court when the record was made, if they come, and by other of the country by the ſheriff's return, and if they come not, the inqueſt ſhall be taken by the county. Averment to be tried.

Fees.

I. *Stat.* 4 *Geo.* 1. *cap.* 8. *ſect.* 1. All officers who take or claim any fee as due to them, their deputies or clerks, ſhall on or before the twenty-fifth day of March 1718, under their reſpective hands and ſeals, or under the hands and ſeals of their reſpective deputies, return to the clerk of the council a table of all fees which are claimed to be payable to them, or any other perſons acting in their ſeveral offices, and ſuch officers, or their reſpective deputies, ſhall after the time aforeſaid ſo return on oath, to be taken before any maſter in chancery, ordinary or extraordinary, a true copy under their hands of the dockets or tables of fees for buſineſs to be tranſacted in their reſpective offices, if any ſuch dockets or tables are in their power or cuſtody. Returns of fees by officers.

(2) And all officers or perſons concerned in any publick office, who ſhall neglect to bring in a liſt or table of fees in the manner, and within the time appointed Neglecting to return liſts.

appointed by this act, ſhall forfeit five pounds, to be recovered by civil bill by any perſon who ſhall ſue for the ſame; and in caſe any officer ſhall neglect to return in ſuch liſt of fees as aforeſaid, on or before the twenty-fourth day of June next enſuing, the perſon ſo neglecting ſhall forfeit the further ſum of one hundred pounds to the perſons who ſhall ſue for the ſame, to be recovered by plaint or information in any of the four courts Dublin.

Tables of fees to be ſet up.

II. *ſect.* 2. All clerks of the crown and peace, and ſub-ſheriffs, ſhall in the open court during the time of aſſizes or ſeſſions, and all other officers ſhall conſtantly, in the uſual places where ſuch offices are kept, fairly engroſs and ſet up a duplicate of the ſaid fees returned into the council office as aforeſaid, in publick view, fairly written in a plain and common hand, and in default thereof ſhall forfeit fifty pounds, to be recovered by bill, plaint or information, wherein no eſſoign, &c. ſhall be allowed.

Felony and Felons.

Year and day.

I. *Eng. Stat.* Mag. chart. *9 Hen. 3. cap.* 22. The king ſhall not hold the lands of them that be convict of felony, but one year and one day, and then they ſhall be delivered to the lords of the fee.

Strong and hard impriſonment.

II. *Eng. Stat.* Weſtm. 1. *3 Edw. 1. cap.* 12. Notorious felons which openly be of evil name, and will not put themſelves in inqueſt concerning felonies laid to their charge before the juſtices at the king's ſuit, ſhall be put to ſtrong and hard impriſonment.

Goods of felons.

III. *Eng. Stat.* Prærog. Reg. 17 *Edw. 2. cap.* 16. The king ſhall have the goods of felons attainted and fugitives.

Freehold.

(2) And if they have freehold it ſhall be taken into the king's hands, and the king ſhall have the profits by one year and one day, and the land ſhall be waſted; and then the land ſhall be reſtored to the lord of the fee. Nevertheleſs in the county of Glouceſter by cuſtom, after one year and one day, the lands of felons ſhall be reſtored to the next heir.

(3) And in Kent gavelkind, the father to the bough, and the ſon to the plough; there all heirs male ſhall divide the inheritance, and likewiſe women, but women ſhall not make partition with men.

Womens dowry.

(4) And a woman ſhall be endowed of the moiety, and if ſhe commit fornication, or take huſband, ſhe ſhall loſe her dower.

Writs to take felons.

IV. *Eng. Stat.* 5 *Edw.* 3. *cap.* 11. Juſtices aſſigned to hear and determine felonies, ſhall direct their writs to all counties to take perſons indicted.

Capias to the ſheriff.

V. *Eng. Stat.* 25 *Edw.* 3. *ſtat.* 5. *cap.* 14. After a man is indicted of felony before juſtices to hear and determine, it ſhall be commanded to the ſheriff to attach his body by writ or precept of *capias*.

Exigent awarded.

(2) And if the ſheriff return that the body is not found, another *capias* ſhall be made returnable at three weeks, and in it ſhall be compriſed, that the ſheriff cauſe to be ſeized his chattels, and keep them till the return, and if the ſheriff return that the body is not found, and the indictee cometh not, the exigent ſhall be awarded and the chattels ſhall be forfeited.

VI. *Eng.*

VI. *Eng. Stat.* 1 *Hen.* 7. *cap.* 7. At ſuch time as information ſhall be made of unlawful huntings by night, or with painted faces, to any of the king's council or juſtices of peace of any perſon ſuſpected thereof, it ſhall be lawful to any of the ſame council or juſtices of peace, to make a warrant to the ſheriff, or to any conſtable, or other officer, to take the perſons and to have them afore the maker of ſuch warrant, or any other the king's council or juſtice of peace of the county, and the counſellor or juſtice ſhall have power to examine them; and if the perſon wilfully conceal the huntings, or any perſon with him defective therein, the concealment ſhall be againſt every ſuch perſon felony; and if he then confeſs the truth, and all that he knoweth in that behalf, the offences of huntings ſhall be but treſpaſs finable at the next general ſeſſions of the peace. Hunting by night, &c.

(2) And if any reſcous or diſobeyſance be made to any perſon having authority by any ſuch warrant, by any perſon which ſhould be arreſted, ſo that the execution of the warrant be not had, the reſcous and diſobeyſance ſhall be felony. Reſcous.

(3) And if any perſons be convict of any ſuch huntings with painted faces, vizors, or otherwiſe diſguiſed, to the intent they ſhould not be known, or of unlawful hunting in time of night, the perſons ſo convict ſhall have like punition as if they were convict of felony. Diſguiſed.

VII. *Stat.* 28 *Hen.* 8. *cap.* 10. If any felons take away any money, goods or cattals from any of the king's ſubjects, and the ſaid felons be attainted by evidence given by the party robbed, or owner of the ſaid money, &c. or by their procurement, the party ſo robbed or owner ſhall be reſtored to his money, goods, and cattals, and the juſtices before whom ſuch felons ſhall be attainted, *ſhall* have power to award writs of reſtitution, in like manner as though ſuch felons were attainted at the ſuit of the party in appeal. *Eng. Stat.* 21 *Hen.* 8. *cap.* 11. Reſtitution of goods taken.

VIII. *Stat.* 33 *Hen.* 8. *ſeſſ.* 1. *cap.* 5. *ſect.* 1. Servants to whom any caſkets, jewels, money, goods or cattals, by their maſters ſhall be delivered to keep, that withdraw and go away with the ſaid money, &c. to the intent to ſteal the ſame, and defraud their maſters thereof, contrary to the truſt to them put, or elſe being in the ſervice of his ſaid maſter, without aſſent or commandment of his maſter, imbezel the ſame, or otherwiſe convert the ſame to his own uſe, with like purpoſe to ſteal it, if the ſaid goods, &c. that any ſuch ſervant ſhall go away with, or embezel with purpoſe to ſteal it, be of the valour of forty ſhillings, the ſame ſhall be adjudged felony. Servants breaking truſt.

IX. *ſect.* 2. Provided that this act ſhall not extend to apprentices, nor to any perſon within the age of eighteen years, going away with his maſter's goods, or otherwiſe converting the ſame to their own uſes, during the time of their apprenticeſhip, or being within the age of eighteen years. *Eng. Stat.* 21 *Hen.* 8. *cap.* 7. Apprentices under eighteen.

X. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 18. *ſect.* 8. Juſtices *of peace* before whom any perſons ſhall be brought for treaſon, murder, man-ſlaughter, or felony, or for ſuſpicion thereof, before they ſhall commit ſuch priſoners, ſhall take the examination of ſuch priſoners, and information of thoſe that bring them, of the fact and circumſtance thereof. Examination, &c. of felons.

Reduced to writing.

(2) And as much thereof as ſhall be material to prove the ſaid treaſon, murder, man-ſlaughter, or felony, ſhall put in writing within two days after the examination; and the ſame ſhall certify in ſuch manner as they ſhould do if ſuch priſoners had been bailed, upon ſuch pain as in this act is appointed, for not taking or not certifying of examinations. *See Tit.* **Bail.**

Binding over to give evidence.

XI. *ſect.* 9. The ſaid juſtices ſhall have authority to bind all ſuch by recognizance or obligation as do declare any thing material to prove the ſaid treaſon, murder, man-ſlaughter, or felony againſt ſuch priſoners, to appear at the next general gaol-delivery where the trial of the ſaid treaſon or felony ſhall be, to give evidence againſt the party.

Certifying the bonds.

(2) And the ſaid juſtices ſhall certifie the ſaid bonds taken before them in like manner as they ought to certifie the bonds where the priſoner is let to bail, upon ſuch pain as in this ſtatute is formerly mentioned for not certifying ſuch bonds concerning priſoners let to bail. *Eng. Stat.* 2 & 3 *Phil. & Mar. cap.* 10.

Buggery made felony.

XII. *Stat.* 10 *Car.* 2. *ſeſſ.* 2. *cap* 20. The deteſtable vice of buggery, committed with mankind or beaſt *ſhall* be adjudged felony, and ſuch proceſs therein be uſed as in caſes of felony at the common law; and the offenders being convicted by verdict, confeſſion or outlawry, ſhall ſuffer pains of death, and loſſes of their goods, lands, &c. as felons, and no perſon offending in any ſuch offence ſhall be admitted to his clergy. And juſtices of peace ſhall have power to inquire of the ſaid offence as in other felonies. *Eng. Stat.* 25 *Hen.* 8. *cap.* 6.

Perſonating others.

XIII. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 20. *ſect.* 1. All perſons which ſhall acknowledge or procure to be acknowledged, any fine, recovery, or deed inroled, ſtatute, recognizance, bail or judgment, in the name of any perſon not privy and conſenting to the ſame, being thereof convicted or attainted, ſhall be adjudged felons and ſuffer death, and incur ſuch forfeitures as felons in other caſes without the benefit of clergy.

Corruption of blood.

XIV. *ſect.* 2. Provided that ſuch attainder ſhall not be any corruption of blood, nor loſs of dower to the wife, but the next heir ſhall have the lands whereof ſuch perſons attainted died ſeized, and ſuch wife her dower as if no ſuch attainder had been had.

Acknowledging judgments.

XV. *ſect.* 3. This act ſhall not extend to judgments acknowledged by attornies of record, for any perſons againſt whom any ſuch judgments ſhall be had. *Eng. Stat.* 21 *Jac.* 1. *cap.* 26.

Peremptory challenges.

XVI. *Stat.* 10 & 11 *Car.* 1. *cap.* 9. No perſons arraigned for high treaſon, petit treaſon, murder, man-ſlaughter, or any felony, ſhall be admitted to challenge peremptory above twenty perſons returned for the trial of the ſaid offenders; and if any the offenders aforeſaid, upon their arraignment or trial, ſhall challenge peremptory above the number aforeſaid, the juſtices or commiſſioners which ſhall have authority for the trial of ſuch offenders, ſhall proceed to give ſuch judgment againſt ſuch offenders, and award ſuch execution upon the ſame, as they ſhould have done if the ſaid offenders had challenged peremptorily the number of ſix and thirty or more, before the making of this ſtatute. *Eng. Stat.* 22 *Hen.* 8. *cap.* 14. *ſect.* 6.

XVII. *Stat.*

XVII. *Stat.* 15 *Car.* 1. *cap.* 9. If any perſons be indicted or appealed for the death of any perſons attempting to murder, or rob, or burglariouſly to break manſion-houſes, the perſons ſo indicted or appealed thereof, and of the ſame by verdict found, ſhall not forfeit any lands, goods, or chattels, for the death of any perſon in ſuch manner ſlain; but ſhall be thereof acquitted, as if they were acquitted of the death of the ſaid perſons. *Eng. Stat.* 24 *Hen.* 8. *cap.* 5. Killing robbers, burglars, &c.

XVIII. *Stat.* 4 *Ann. cap.* 11. *ſect.* 5. It ſhall be lawful to proſecute and puniſh perſons buying or receiving ſtolen goods, knowing the ſame to be ſtolen, or that ſhall be acceſſary to ſuch felony before or after the fact, as for a miſdemeanor, to be puniſhed by fine and impriſonment, although the principal felon be not before convicted of the ſaid felony, which ſhall exempt the offender from being puniſhed as acceſſary, if the principal ſhall be after convicted. *Eng. Stat.* 1 *Ann. ſtat.* 2. *cap.* 9. *ſect.* 2. Receiving ſtolen goods.

XIX. *ſect.* 6. If any harbourer of any felon ſhall diſcover and proſecute any two or more ſuch harbourers, ſo as they ſhall be convict of harbouring at the proſecution of ſuch diſcoverer, ſuch harbourer ſhall be pardoned and acquitted for his former crimes of harbouring only. *This act is made perpetual by Stat.* 6 *Ann. cap.* 12. Diſcovering harbourers.

XX. *Stat.* 8 *Ann. cap.* 8. *ſect* 1. Every perſon who ſhall apprehend and take any perſons guilty of burglary, or the felonious breaking and entering of any houſe in the day time, and proſecute them until they be convicted of ſuch felony, ſhall receive five pounds within twenty one days after ſuch conviction, to be paid by the collector of the diſtrict where ſuch felony or burglary ſhall be committed, without any fee for the ſame, they tendering a certificate to the ſaid collector, under the hands of the judges before whom ſuch felon ſhall be convicted, certifying the conviction of ſuch felon for the ſaid offences, and in what pariſh the ſame *were* committed; and alſo that ſuch felons were taken by the perſons claiming the ſaid reward. Reward for apprehending burglars.

(2) And in caſe any diſpute ſhall ariſe between the perſons apprehending any of the ſaid felons, touching the right to the ſaid reward, the judges ſhall by their ſaid certificate appoint the ſaid reward to be paid amongſt the parties claiming the ſame, in ſuch proportions as to the ſaid judges ſhall ſeem reaſonable. Dividing rewards.

(3) And if any ſuch collector ſhall die or be removed before the expiration of the ſaid twenty-one days after ſuch conviction, and demand made of the ſaid reward not being paid, the ſucceeding collector ſhall pay the ſame within one month after demand, and certificate brought as aforeſaid. Payment by collectors.

(4) And any collector making default, ſhall forfeit to the perſons to whom ſuch money is due, double the ſum they ought to have paid, to be *recovered* by them, or their executors or adminiſtrators in any court of record at Dublin, by action of debt, &c. wherein no eſſoign, &c. ſhall be allowed, with treble coſts of ſuit. Forfeiture for default.

XXI. *ſect.* 2. In caſe any watchman or other perſon ſhall happen to be killed by any ſuch burglar or houſe-breaker, ſuch watchman, &c. endeavouring to apprehend, or in making purſuit after them, the executors or adminiſtrators of perſons ſo killed, to whom the right of adminiſtration of the perſonal eſtate of ſuch perſons ſhall belong, upon certificate delivered under the hands and ſeals of *the* judges of aſſize, of the county where the fact was committed, Watchmen or others killed.

mitted, or the two next juſtices of the peace, of ſuch perſons being ſo killed, which certificate the ſaid judges or juſtices reſpectively, upon ſufficient proof before them made, are required to give without fee, ſhall receive twenty pounds from the collector of the diſtrict where the ſaid fact was committed, and upon failure of payment thereof by the ſaid collector, the ſum of forty pounds to be recovered againſt him with treble coſts of ſuit in manner aforeſaid.

Allowance of money paid.

XXII. *ſect.* 3. Every ſuch collector, his executors and adminiſtrators upon producing ſuch certificates, and the receipts of the money paid by him in purſuance of this act ſhall be allowed, and is empowered to deduct upon his accounts all monies, other than ſuch penalties as he ſhall incur through his own default, and treble coſts of ſuit, which ſhall be recovered as aforeſaid.

Re-imburſement by the treaſury.

(2) And if upon ſtating the account of any collector, there ſhall not be money ſufficient in the hands of ſuch collector to reimburſe him ſuch money, paid by him by virtue of this act, ſuch collector having ſo paid the ſaid money, ſhall have the ſame repaid by the vice-treaſurer out of the revenue of the crown, clear of all deductions, upon a certificate from the commiſſioners of the revenue for that purpoſe.

Diſcovering burglars or felons.

XXIII. *ſect.* 4. If any perſon being out of priſon, diſcover two or more perſons who ſhall commit any ſuch burglary or felony, ſo as two or more of the perſons diſcovered ſhall be convicted, ſuch diſcoverer ſhall have the like reward of five pounds hereby promiſed to be paid to the perſons who ſhall apprehend and convict houſe-breakers, and all other advantages given to ſuch taker and proſecutor, and ſhall be alſo intitled to pardon for all burglaries, robberies and felonies, except murder and treaſon committed before ſuch diſcovery made; which pardon ſhall likewiſe be a good barr to any appeal brought for ſuch burglary or felony.

Receiving goods ſtolen, &c.

XXIV. *ſect.* 5. If any perſons ſhall receive or buy any goods ſtolen, knowing the ſame to be ſtolen, or ſhall harbour or conceal any burglars, felons or thieves, knowing them to be ſuch, *they* ſhall be deemed acceſſaries to the ſaid felonies, and being of either of the ſaid offences convicted by the teſtimony of one credible witneſs, ſuch offender ſhall ſuffer death as a felon.

Puniſhment by fine or impriſonment.

XXV. *ſect.* 6. If ſuch principal felon cannot be taken ſo as to be proſecuted and convicted for any ſuch offence, yet it ſhall be lawful to proſecute and puniſh ſuch perſons buying and receiving any goods ſtolen by any ſuch principal felon, knowing the ſame to be ſtolen, as for a miſdemeanor to be puniſhed by fine or impriſonment, or other ſuch corporal puniſhment as the court ſhall think fit to inflict, although the principal felon be not before convict of the ſaid felony, which ſhall exempt the offender from being puniſhed as acceſſary, if ſuch principal felon ſhall be afterwards convicted.

Certificate to perſons intitled.

XXVI. *ſect.* 7. The judges before whom ſuch felons or houſe-breakers ſhall be convicted, ſhall ſettle the right and ſhares of perſons intitled to the certificate by this act directed to be given, and ſhall deliver the ſaid certificate to ſuch perſons intitled thereunto, before the end of ſuch aſſizes or ſeſſions where ſuch conviction ſhall be had, for which certificate one ſhilling and no more ſhall be paid. (*Eng. Stat. 5 Ann. cap.* 31.)

Witneſſes to be ſworn.

XXVII. *Stat. 9 Ann. cap.* 6. *ſect.* 9. Every perſon who ſhall be produced or appear as a witneſs on the behalf of the priſoner upon any trial for murder or felony, before he or ſhe be admitted to give evidence, ſhall firſt take an oath to depoſe the truth in ſuch manner as the witneſſes for the Queen are by law

law obliged to do; and if any witneſs be convicted of wilful perjury in ſuch evidence, he ſhall ſuffer all the penalties, forfeitures, and diſabilities, which by law may be inflicted on perſons convicted of wilful perjury. *Eng. Stat.* 1 *Ann. ſtat.* 2. *cap.* 9. *ſect.* 4.

Benefit of clergy taken away.

XXVIII. *Stat.* 2 *Geo.* 1. *cap.* 17. *ſect.* 23. Whereas by a ſtatute 33 *Hen.* 8. *ſeſſ.* 1. *cap.* 5. it is made felony for ſervants to go away with the caſkets, jewels, money, goods or chattels delivered to their keeping by their maſter or miſtreſs, with intent to ſteal the ſame, and defraud their maſter or miſtreſs thereof, contrary to the truſt and confidence in them repoſed, or being in ſervice, without aſſent or commandment of his maſter or miſtreſs, ſhall imbezel or convert the ſame to their uſe with purpoſe to ſteal the ſame, being of the value of forty ſhillings or above, which law has proved leſs effectual, becauſe the offenders are intitled to the benefit of clergy; if any perſon be found guilty of any of the offences in the ſaid ſtatute, or ſhall ſtand mute, or challenge peremptorily above twenty, they ſhall ſuffer death, as in caſes of felony, without benefit of clergy.

Pardon on condition of tranſportation.

XXIX. *Stat.* 6 *Geo.* 1. *cap.* 12. *ſect.* 1. Where any offenders ſhall be convicted of any crimes for which by law they are to be excluded the benefit of clergy, and his Majeſty, or the chief governors of this kingdom, ſhall be pleaſed to extend mercy to ſuch offenders on the condition of tranſportation to any part of America, it ſhall be lawful for the ſeveral judges of aſſize, judges of the King's-bench, commiſſioners of oyer and terminer, and the juſtices at the ſeſſions to be holden for the county, and county of the city of Dublin, to allow ſuch offenders the benefit of a pardon on the condition of tranſportation, and the ſeveral judges of aſſize, judges of the King's-bench, commiſſioners of oyer and terminer, and juſtices aforeſaid, are required to order a warrant of tranſportation for all ſuch offenders.

Tranſmittal without fee.

(2) And in caſe ſuch offenders ſhall not be in the city of Dublin, or ſome ſea-port which trade to ſome of his Majeſty's plantations in America, ſuch judges, commiſſioners, or juſtices, ſhall order the ſheriffs of ſuch counties or cities where ſuch offenders are, to tranſmit without fee or reward, ſuch perſons who may lie under ſuch rule of tranſportation to the next ſea-port which trade to ſome of his Majeſty's plantations in America, and there to be delivered by the ſaid ſheriffs to the magiſtrate or officer of ſuch ſea-port, who is required to ſecure ſuch perſons till tranſportation can be had for them, the ſheriffs of the counties where ſuch offenders have been convicted, firſt giving ſecurity, which they are hereby required to give the ſheriffs of ſuch counties to which ſuch offenders ſhall be delivered in order to be tranſported, to reimburſe ſuch ſums of money as ſhall be diſburſed in giving the ſaid allowance to the offenders aforeſaid, which ſhall be afterwards levied by preſentment of the grand-jury, on the body of the county in which ſuch offenders have been convicted, and they to be maintained till tranſportation, at the public charge of the counties or cities where ſuch offenders were convicted, and to have ſuch allowance as priſoners now have in the gaols of this kingdom.

Contracts for tranſporting.

(3) And the magiſtrates or officers who ſhall have ſuch offenders in their cuſtody in order to tranſportation, are impowered to contract with any perſon for ſuch tranſportation, and after ſuch contract made, ſuch offenders ſhall be tranſferred by the ſaid magiſtrate or officer, to ſuch perſons and their aſſigns

to

to be by them tranſported, they entering into a recognizance of fifty pounds, the condition of which ſhall be, that ſuch offenders ſhall be tranſported.

Certificate of delivering priſoners.

XXX. *ſect.* 2. The ſheriffs who ſhall have ſuch order of tranſmittal directed to them, ſhall, at the next aſſizes or ſeſſions to be holden for ſuch county or city, from whence ſuch offenders were tranſmitted, lodge with the clerk of the crown or peace of ſuch county or city, a certificate of his delivering ſuch priſoners to the magiſtrate or officer of ſuch ſea-port, as the ſaid warrant of tranſmittal ſhall direct.

Tranſportation for larceny.

XXXI. *ſect.* 3. If any perſon ſhall commit any grand or petit larceny, or felonioufly ſteal or take away money, goods or chattels from the perſon, or the houſe of any other, for which ſuch offender is intitled to the benefit of clergy, it ſhall be lawful for the court before whom they were convicted, or any court held at the ſame place with the like authority if they think fit, inſtead of ordering ſuch offenders to be burnt in the hand or whipt, to order that ſuch offenders ſhall be ſent to ſuch ſea-port in manner aforeſaid, that they may be tranſported as ſoon as conveniently may be, to ſome of his Majeſty's colonies in America, for ſeven years.

Tranſferring for ſeven years.

(2) And that court before whom they were convicted, or any ſubſequent court held at the ſame place with the like authority as the former, ſhall have power to transfer ſuch offenders by order of court, to the uſe of any perſons who ſhall contract in manner aforeſaid, for the performance of ſuch tranſportation to them and their aſſigns, for the term of ſeven years, to commence from the time of the offenders landing in America.

Returning before the term expired.

XXXII. *ſect.* 4. If any offenders ſo ordered to be tranſported for ſeven years, or other time as aforeſaid, ſhall return into any part of this kingdom before the end of their ſaid term, he or ſhe ſhall be liable to be puniſhed, as any perſon attainted of felony without the benefit of clergy, and execution ſhall be awarded againſt ſuch offenders accordingly.

Taking rewards for ſtolen goods.

XXXIII. *ſect.* 5. Wherever any perſon taketh money or reward directly or indirectly, under pretence of helping perſons to any ſtolen goods, every ſuch perſon, unleſs ſuch perſon doth apprehend ſuch felon who ſtole the ſame, and cauſe ſuch felon to be brought to trial, and give evidence againſt him, ſhall be guilty of felony, and ſuffer the penalties of felony according to the nature of the felony committed in ſtealing ſuch goods, in ſuch manner as if ſuch offender had himſelf ſtole ſuch goods, in the manner as the ſame were ſtolen. *Brit. Stat.* 4 *Geo.* 1. *cap.* 11.

Continuation.

This act is continued by Stat. 29 *Geo.* 2. *cap.* 8. *ſect.* 2. *from the end of that ſeſſion of parliament, for twenty one years, and to the end of the then next ſeſſion.*

Breaking gaol.

XXXIV. *Stat.* 8 *Geo.* 1. *cap.* 9. *ſect.* 1. If any felons or vagabonds who ſhall be ordered to be tranſported, purſuant to any ſtatutes now in force, ſhall afterwards break gaol, or be at large within any part of Ireland without ſome lawful cauſe, before the expiration of the term for which felons or vagabonds ſhall be ordered to be tranſported, ſuch perſons being thereof convicted ſhall ſuffer death as in caſes of felony without benefit of clergy, or of the ſtatute 9 *Ann. cap.* 6.

Certificate of conviction.

XXXV. *ſect.* 2. Such offenders may be tried for the ſaid offence in any county, and the clerk of the crown and clerk of the peace, where ſuch orders of tranſportation ſhall be made, ſhall, at the requeſt of the proſecutor, or any other in his Majeſty's behalf certify a brief abſtract containing the tenor of every

every indictment and conviction, and of the order for tranſportation, to his Majeſty's juſtices of the King's-bench, or the juſtices of aſſize, oyer and terminer, or gaol delivery, or the juſtices of the peace at their quarter ſeſſions to be held for the county of Dublin, and county of the city of Dublin, where ſuch man or woman ſhall be indicted or preſented, not taking for the ſame above two ſhillings and ſix pence, which certificate ſhall be a ſufficient proof that ſuch perſon or perſons have been before convicted as a felon, or preſented as a vagabond reſpectively, and ordered to be tranſported.

Reward for apprehending ſtreet robbers, &c.

XXXVI. *ſect.* 3. Where any murder or robbery ſhall be committed in the ſtreets of the city of Dublin, or in other counties of cities or counties of towns, or the liberties thereunto belonging or adjoining, or in the highway of any county, a reward not exceeding twenty pounds, ſhall be given to ſuch perſons as ſhall apprehend ſuch murderer or robber, ſo as he or ſhe ſhall be convicted thereof, the ſame to be raiſed by preſentment of the grand juries of ſuch counties of cities, and counties of towns, or county at large where ſuch facts ſhall be committed, and the money ſo to be raiſed to be applotted and levied as other public money, to be diſtributed between the perſons claiming ſuch reward, in ſuch proportions as to the judges or juſtices before whom ſuch murderers or robbers ſhall be convicted, ſhall ſeem reaſonable, and be certified under their hands.

Diſcovering offenders.

XXXVII. *ſect.* 4. Whoſoever ſhall proſecute to conviction any perſon for the offence of taking money, or other reward, directly or indirectly, to help any perſons to their ſtolen goods, ſuch offender not having apprehended the felon who ſtole the ſame, and brought him or her to trial for the ſame, and given evidence againſt him or her as required by law, ſhall be entitled to a reward of five pounds for every ſuch offender ſo convicted, which ſum ſhall be raiſed and levied in like manner, as the reward which perſons may be entitled to for the apprehending any murderer or robber.

Perſons killed in purſuing.

XXXVIII. *ſect.* 5. In caſe any perſon be killed in the purſuit or apprehending any of the offenders aforeſaid, the executors or adminiſtrators of ſuch perſons, or the perſons to whom the right of adminiſtration of the perſonal eſtate of ſuch perſons ſo killed ſhall belong, ſhall be entitled to twenty pounds, to be raiſed by preſentment of the grand juries of ſuch counties where the fact was committed.

Concealing felons.

XXXIX. *ſect.* 6. Whoſoever ſhall receive, harbour or conceal any robbers or felons ordered to be tranſported, and who after ſuch order for tranſportation ſhall eſcape, or be at large in this kingdom without ſome lawful cauſe, before the expiration of the term for which ſuch robbers or felons ſhall be ordered to be tranſported, knowing them to be ſuch, and ſhall be thereof legally convicted, ſuch offender ſhall ſuffer death as a felon convicted without benefit of clergy, or of the ſaid ſtatute of the ninth year of Queen Anne.

Detaining ſhips.

XL. *ſect.* 7. Where any perſon ſhall be apprehended in any part of this kingdom, againſt whom any warrant, under the hand and ſeal of the chief juſtice or other juſtice of his Majeſty's court of King's bench, in that part of Great Britain called England, for the apprehending ſuch perſon for robbery, or any other capital crime committed in England, ſhall have iſſued, it ſhall be lawful for the chief governors of this kingdom, by writing under their hands, to ſtop and detain any ſhip belonging to any merchant inhabiting in this kingdom lying in the port of Dublin, and bound for any place in England, until the maſter of ſuch veſſel ſhall take ſuch offenders on board his ſhip, and ſhall enter into a bond to his Majeſty before the collector of the port of Dublin,

lin, of the penalty of two hundred pounds, conditioned for the ſafe cuſtody and delivery of ſuch offenders, the danger of the ſeas and of enemies excepted, into the hands of the ſheriff, juſtice of the peace, chief magiſtrate, or conſtable of the place whither ſuch ſhip ſhall be bound, or firſt arrive in England.

Reward to the maſter.

XLI. *ſect.* 8. Provided that no ſhip ſhall be detained in the ſaid port of Dublin, nor the maſter hindered from proceeding on his voyage by virtue of this act, unleſs a ſum not leſs than forty ſhillings, nor exceeding five pounds, be tendered to ſuch maſter as a reward for tranſporting each ſuch offender into England, and unleſs a warrant under the hand and ſeal of the chief juſtice, or other juſtice of his Majeſty's court of King's-bench in England, for the apprehending ſuch offenders, be delivered into the hands of ſuch maſter, together with ſuch offenders.

Two offenders only.

XLII. *ſect.* 9 Provided alſo, that no maſter of any ſuch ſhip ſhall be obliged to take on board his ſhip more than two ſuch offenders at one time.

Certificate and affidavit.

XLIII *ſect.* 10. The collector of the port of Dublin ſhall deliver up ſuch bonds to the maſter of ſuch ſhip, or to any perſon who ſhall deliver unto the collector of the ſaid port, a writing under the hand of the ſheriff, under-ſheriff, juſtice of peace, chief magiſtrate, or conſtable, to whom ſuch offender ſhall be delivered in England, with an affidavit at the foot of ſuch writing of one credible witneſs, taken before one juſtice of the peace of the county or place where ſuch offenders ſhall be delivered in England, or before the chief juſtice or other juſtice of his Majeſty's court of chief pleas in Ireland, certifying that the offenders mentioned in the condition of ſuch bonds, together with the warrant of the chief juſtice, or other juſtice of the ſaid court of King's-bench in England, for the apprehending of ſuch offenders, were duly delivered into the hands of ſuch ſheriff, under-ſheriff, juſtice of the peace, chief magiſtrate, or conſtable, or one of them.

Continuation.

This act is continued by Stat. 29 *Geo.* 2. *cap.* 8. *ſect.* 2. *from the end of that ſeſſion of parliament, for twenty one years, and to the end of the then next ſeſſion.*

Contracts for tranſporting.

XLIV. *Stat.* 12 *Geo.* 1. *cap.* 8. *ſect.* 1. It ſhall be lawful for the chief magiſtrate of the city or port-town, in which any perſon ſhall be confined under ſentence of tranſportation, or in which any perſon ſhall be confined, who ſhall obtain any pardon with condition or order for tranſportation, under the hand of the lord lieutenant or chief governors, although the time limited by ſuch pardon, rule or order be expired, and ſuch chief magiſtrate is required to contract with any perſon for the tranſportation of any of thoſe who ſhall be ſo confined in ſuch manner and for ſuch term of years, as by an act 6 *Geo.* 1. *cap.* 12. is directed, ſo as the perſon contracting with ſuch chief magiſtrate do enter into ſuch recognizance, as by the ſaid act is appointed.

Warrants to ſheriffs.

XLV. *ſect.* 2. It ſhall be lawful for the chief magiſtrate of ſuch city or port-town, by warrant to require the ſheriffs of ſuch city, being a county of itſelf, or of the county wherein ſuch city or port-town ſhall lie, or their under-ſheriffs, to pay unto the perſons who ſhall contract for the tranſportation of any ſuch perſon convicted of a capital felony, any ſum not exceeding forty ſhillings, and for every other perſon which ſhall be ordered to be tranſported, any ſum not exceeding twenty ſhillings, in which warrant ſhall be mentioned the name of the perſon to be tranſported, and the time or place where preſented or convicted, and the offence of which he or ſhe was convicted.

XLVI. *ſect.*

XLVI. *ſect.* 3. Every ſheriff to whom ſuch warrant ſhall be directed, ſhall without fee pay the ſum in ſuch warrant contained, taking a receipt from the perſon ſo contracting, acknowledging the payment of ſuch ſums, and alſo acknowledging that he hath received the bodies of the perſons to be tranſported. Receipts from contractors.

XLVII. *ſect.* 4. Upon producing of ſuch warrant, together with ſuch receipt at any aſſiſes or general quarter-ſeſſions for the county where the perſons in ſuch warrant named were convicted or preſented, the grand jury are required to preſent the ſum contained in ſuch warrant, which ſhall be applotted and levied as other ſums raiſed at aſſiſes and ſeſſions are uſually levied and applotted, and ſhall be repaid to ſuch ſheriff as ſhall have diſburſed the ſame, or his executors or adminiſtrators, or to the perſons by them appointed to receive the ſame. Preſentments for money paid.

XLVIII. *ſect.* 5. If any perſon ſo to be tranſported, ſhall refuſe to ſign and ſeal any articles or indenture agreed upon between ſuch chief magiſtrate of the city or port-town, and the perſon contracting for his or her tranſportation, ſo as the perſon to be tranſported be not by any ſuch articles or indenture obliged to ſerve for any longer term than ſeven years, every ſuch perſon, if convicted of a capital felony, ſhall be deprived of the benefit of clergy, and of this and the ſaid former act, or any other act or order, by virtue whereof he or ſhe were to be tranſported, and ſhall be continued in, or be immediately tranſmitted to the gaol of the county where he or ſhe was convicted, and ſentence of death ſhall be pronounced againſt him or her in the next term in the King's bench, or at the next general quarter-ſeſſions in the county of Dublin, or county of the city of Dublin, or at the next general gaol-delivery in ſuch other county where ſuch perſon was convicted, and execution awarded accordingly; and if any other perſon who ſhall be ordered to be tranſported as aforeſaid, ſhall refuſe to ſign and ſeal ſuch agreement or indenture, every ſuch perſon ſhall be thrice publickly whipt through ſuch city or port-town, and afterwards remain cloſe confined in gaol till he or ſhe be tranſported. Refuſing to ſign articles.

XLIX. *ſect.* 6. If any perſon who ſhall be tranſported as a felon convicted of a capital felony, ſhall at any time be found within this kingdom, not being licenſed thereunto by his Majeſty under *the* privy ſeal, ſuch perſon ſhall ſuffer death as a felon without benefit of clergy, and may be tried in any county where he ſhall be apprehended. Being at large without licence.

L. *ſect.* 7. If any perſons under ſentence of tranſportation, ſhall be tranſmitted to any port-town within any county or county of a city, other than where ſuch ſentence or order was made, the chief magiſtrate of ſuch port-town ſhall receive and commit ſuch perſons to gaol, who ſhall be there maintained in ſuch manner as convict felons are maintained, until they be tranſported. Perſons under ſentence, &c.

(2) And the ſheriffs who ſhall deliver over ſuch perſons to be tranſported, ſhall give ſecurity to the ſheriffs of ſuch counties, or to ſuch magiſtrate or other officer to whom ſuch offenders ſhall be delivered in order to tranſportation, to reimburſe all ſuch money as ſhall be diſburſed on account of perſons ſo tranſmitted, for their maintenance in gaol to the time of their being tranſported; which ſums ſhall be levied by preſentments of the grand jury on the body of the county where ſuch ſentence of tranſportation was made, as the ſame is directed by the ſaid act, 6 *Geo.* 1. *cap.* 12. in caſe of felons ſo tranſmitted for tranſportation. Security to reimburſe expences.

LI. *ſect.* 8. The clerks of the crown and clerks of the peace ſhall make out and ſign certificates of the names of every perſon remaining in the gaols of the Certificates of convictions.

ſeveral counties, under any rule of tranſportation, made in every term, and at every aſſiſes of general gaol-delivery or quarter-ſeſſions of the peace at which the ſaid clerk of the crown or peace reſpectively officiated, ſpecifying therein the particular offences for which ſuch perſons were reſpectively ordered to be tranſported; which certificates ſhall within thirty days after the laſt day of every aſſiſes or gaol-delivery, or quarter-ſeſſions, by the ſeveral clerks of the crown and peace reſpectively, be lodged in the hands of *the* lord mayor of the city of Dublin, where ſuch conviction or preſentment was in his Majeſty's court of King's bench, or in any county in the province of Leinſter; and in the hands of the mayor of Cork, the mayor of Waterford, and the mayor of Limerick, where ſuch conviction or preſentment was in any county in the province of Munſter; and in the hands of the mayor of Londonderry, and the ſovereign of Belfaſt, where ſuch conviction or preſentment was in any county in the province of Ulſter; and in the hands of the mayor of Galway, and the provoſt of Sligo, where ſuch conviction or preſentment was in any county in the province of Connaught.

Liſts of names to be poſted up.

(2) Which ſeveral chief magiſtrates of the ſaid cities and towns are required to cauſe liſts of the names of the perſons returned to them in ſuch certificate, to be poſted up in the Exchange, and other moſt publick places of their ſaid reſpective cities and towns, together with the ſeveral rewards intended to be given for the tranſportation of the perſons whoſe names are contained in ſuch liſts, and likewiſe to take care that ſuch liſts continue poſted as aforeſaid, until the perſons in ſuch liſts named be actually tranſported.

Clerks of the crown.

LII. *ſect.* 9. If it ſhall appear to the court of King's bench, or to the juſtices of aſſiſe, or juſtices at the general quarter-ſeſſions of the peace reſpectively, that the clerk of the crown of the ſaid court of King's bench, or the clerk of the crown or clerk of the peace for the county for which ſuch aſſiſes or quarter-ſeſſions are held reſpectively, hath neglected to return ſuch certificate, the court of King's bench, and ſuch juſtices of aſſiſe and juſtices of the peace in ſuch quarter-ſeſſions reſpectively, are required to impoſe on every ſuch clerk of the crown and clerk of the peace for every ſuch neglect, a fine not exceeding ten pounds, nor leſs than five pounds.

Order of chief governors.

LIII. *ſect.* 10. When ever his Majeſty, or the lord lieutenant or chief governors, ſhall be pleaſed to extend mercy to any perſon who ſhall be convicted of felony, or who ſhall receive ſentence of death for any felony, any order under the ſign manual, or under the hand of the lord lieutenant or chief governors, directing the perſon ſo convicted or ſentenced, to be tranſported, ſhall be as effectual as if a pardon for ſuch felony, with condition of tranſportation, had been paſſed under the great ſeal, and pleaded and allowed.

Counter-ſigning by the judge.

(2) And ſuch order ſhall be a ſufficient warrant to all ſheriffs, gaolers and others, for the delivery of the perſon in ſuch order named, to the ſheriff or gaoler of the place from whence ſuch felon is to be tranſported, or to the perſons contracting for the tranſportation of ſuch felon, ſo as ſuch order be alſo counter-ſigned by the judges or one of them before whom ſuch felon was tried; which order, after ſuch delivery of ſuch felon, ſhall be lodged in the hands of the clerk of the crown, or clerk of the peace where ſuch conviction was had, together with a receipt from the perſon to whom ſuch felon was delivered to be tranſported, to be kept among the records of the court.

Pardon on condition.

LIV. *ſect.* 11. Nothing herein contained ſhall extend to inflict death on any perſon who ſhall receive his Majeſty's pardon upon condition of tranſportation for any limited time, or who ſhall be ordered by his Majeſty, the lord lieutenant

lieutenant or chief governors, to be tranſported for any limited time, ſo as ſuch perſon be not found in this kingdom before the time in ſuch pardon or order limited, be expired.

LV. *Stat.* 3 *Geo.* 2. *cap.* 4. *ſect.* 3. If any perſon ſhall ſteal or take by robbery any exchequer acquittance, debenture, bills of exchange, goldſmiths or bankers notes for payment of money, bonds, warrants, bills or promiſſory notes for the payment of money, being the property of any other perſon or of any corporation, notwithſtanding any of the ſaid particulars are termed in law a choſe in action, it ſhall be deemed felony of the ſame nature, and with or without the benefit of clergy or of the ſtatute, in the ſame manner as it would have been, if the offender had ſtolen or taken by robbery any other goods of like value with the money due on ſuch exchequer acquittances, debenture, bills of exchange, goldſmiths or bankers notes, bonds, warrants, or notes, or ſecured thereby and remaining unſatisfied, and ſhall ſuffer ſuch puniſhment as if he or ſhe had ſtolen other goods of the like value. Stealing notes or ſecurities.

LVI. *ſect.* 4. No attainder for any offence hereby made felony, ſhall make any corruption of blood, loſs of dower, or diſheriſon of heirs. Corruption of blood, &c.

LVII. *ſect.* 5. The grand juries at the ſeveral aſſizes, or in the King's-bench, or on any commiſſion of *oyer* and *terminer*, or at the general quarter-ſeſſions of the peace for the county of Dublin, or the county of the city of Dublin, may preſent any ſum not exceeding ſix pounds, for the effectual tranſportation of each perſon ſo convicted or preſented, in which ſhall be included a ſum not exceeding twenty ſhillings, for tranſmittal of ſuch perſons ſo to be tranſported. Preſentments for money.

(2) Which ſums, when preſented and levied, ſhall be paid by the treaſurers of the reſpective counties where ſuch perſons ſhall be convict, or preſented for tranſportation to the ſheriffs of the reſpective counties. Payments to the ſheriffs.

(3) And the ſheriffs are directed, upon ſuch preſentments being made, forthwith to tranſmit ſuch offenders to one of the ſea-port towns or cities, where by the law now in force they are obliged to ſend them, where there are any ſhips ready to ſail to any of his Majeſty's plantations in America, and to deliver over ſuch offenders to the chief magiſtrate of ſuch city or town, with the reſpective ſums preſented, after deducting ſo much as is allowed in the preſentment for tranſmittal fees. Tranſmitting offenders.

(4) And the chief magiſtrate to whom ſuch offenders are delivered, is to deliver over ſuch offenders, with the ſeveral ſums paid to him by the ſheriffs, to ſuch maſters of ſhips who contract for the tranſportation of ſuch offenders; and the chief magiſtrate is required to give a receipt for the money ſo paid, and for the offenders ſo delivered to him. Delivery to contractors.

LVIII. *ſect.* 6. Where the grand juries have a power of recommending convict felons to mercy, and ſuch felons are burnt in the hand and diſmiſſed, ſuch felons convict ſo recommended, ſhall be either burned in the hand, or tranſported to the plantations in the common manner, at the diſcretion of the court, or judge before whom ſuch offender ſhall be convicted. *Brit. Stat.* 2 *Geo.* 2. *cap.* 25. Convicts recommended.

This act is alſo continued by the ſame act, 29 Geo. 2. cap. 8. ſect. 2. *for twenty-one years from the end of that ſeſſion of parliament, and to the end of the then next ſeſſion.* Continuation.

LIX. *Stat.*

Stealing lead, iron, &c.

LIX. *Stat.* 5 *Geo.* 2. *cap.* 10. *ſect.* 1. Perſons who ſhall ſteal, or rip, cut or break with intent to ſteal any lead, iron bar, iron gate, iron palliſadoe, or iron rail, or braſs or iron knockers, being fixed to any dwelling-houſe, or to any other building, or fixed in any garden, orchard, court-yard, fence or outlet belonging to any dwelling-houſe or other building, or any locks or hinges of gates of parks or other incloſures, ſhall be deemed guilty of felony, and ſhall be ſubject to the like penalties as in caſes of felony.

Court may tranſport.

(2) And the court before whom ſuch perſons ſhall be tried, ſhall have authority to tranſport ſuch felons for ſeven years, in like manner as other felons are to be tranſported; and all perſons who ſhall be aiding, abetting, or aſſiſting in ſtealing, ripping, cutting, or breaking any lead, iron bar, iron gate, iron paliſadoe, or iron rail, fixed to any dwelling-houſe or other building, or in any garden, &c. fence or outlet belonging to any dwelling-houſe or other building, ſhall be liable to the ſame puniſhments as if they had ſtole the ſame.

Search warrants.

LX. *ſect.* 2. On ſearch made by warrant of any juſtice of the peace, or chief magiſtrate of any place within their reſpective juriſdiction, if any lead or iron ſo ſtolen, ript, cut, or broke as aforeſaid, ſhall be found in the poſſeſſion of any perſon, ſuch perſons ſhall make proof that the ſaid lead or iron was fairly and honeſtly bought or acquired, and in default thereof ſuch perſons with whom ſuch lead or iron ſhall be found, ſhall be deemed to be the perſons who ſtole the ſame, or the receivers thereof, knowing the ſame to be ſtolen, and being thereof convicted, ſhall be ſent to the houſe of correction, there to be kept to hard labour for any time not exceeding ſix calendar months.

Fine and impriſonment.

(2) Or ſhall be ſubject to fine and impriſonment, as the judges before whom ſuch perſons ſhall be convicted ſhall think reaſonable, but ſhall not be ſubject to any capital puniſhment, nor to be tranſported as aforeſaid. *Brit. Stat.* 4 *Geo.* 2. *cap.* 32.

This act is made perpetual by Stat. 13 Geo. 2. cap. 4.

Landing tranſports in Europe.

LXI. *Stat.* 17 *Geo.* 2. *cap.* 4. *ſect.* 1. If any maſters of ſhips, who ſhall undertake to tranſport felons or vagabonds who ſhall be ordered to be tranſported to any of his Majeſty's plantations in America, ſhall fraudulently land in any part of this kingdom, or of Europe, any ſuch felons or vagabonds undertaken by them to be tranſported, ſuch perſons ſo landing ſuch felons or vagabonds, being thereof convicted upon indictment for the aforeſaid offence, ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Bond from perſons tranſporting vagabonds.

LXII. *ſect.* 2. All perſons who ſhall contract purſuant to any of the acts *for tranſporting felons, &c.* for tranſporting felons or vagabonds, ſhall, together with two ſolvent perſons, enter into a bond of recognizance to be depoſited with the ſheriff, or ſuch perſons with whom they ſhall contract, of the penalty of ten pounds for every felon and vagabond ſo contracted for, conditioned to receive ſuch felons or vagabonds from the perſons in whoſe cuſtody they then ſhall be, and to convey them on board ſome ſhip then bound immediately for ſome part of his Majeſty's plantations beyond the ſeas, and to tranſport and land them in ſome part of the ſaid plantations, unleſs prevented by the party's death, the caſualties of the ſea, or being taken by an enemy.

Diſpoſal of bonds.

(2) Which bonds or recognizances ſhall be reſpectively delivered and diſpoſed of in ſuch manner, and for ſuch purpoſes, as is directed by an act 2 *Ann. cap.* 12. concerning bonds and recognizances, directed by the ſaid act, to be entered into by perſons deſiring ſuch convict felons as are for that purpoſe mentioned to be delivered to them.

The

The directions preſcribed by Stat. 2 Ann. cap. 12. *relative to the diſpoſal of ſuch bonds, are as follow,* viz. *Which bond ſhall be delivered to the clerk of the peace of the county whence ſuch priſoner was taken, within three months after the date thereof, to the end the grand jury at the quarter ſeſſions may inquire whether ſuch priſoner was tranſported according to the tenor of the ſaid bond; and if it be found he was not, then the ſaid bond ſhall be immediately returned into the exchequer to be put in ſuit; and upon return of a certificate thereof, from the governor or chief magiſtrate of the place where ſuch perſon is ſo landed, of ſuch priſoners being landed beyond ſeas, the ſaid bond ſhall be delivered up to be cancelled, to the party producing ſuch certificate without fee or reward.*

Directions by ſtat. 2 Ann. c. 12.

LXIII. *ſect.* 3. When any offence againſt this act ſhall be committed, the offenders may be tried for the ſame in any county of this kingdom.

Trial in any county.

LXIV. *Stat.* 17 *Geo.* 2. *cap.* 6. *ſect.* 1. All perſons that ſhall by night or in the day-time privately ſteal any goods to the value of five ſhillings, out of any ſhop, tan-yard, or drying-houſe belonging to a tanner, warehouſe, cellar, coach-houſe, ſtable, or other out-houſe, though not adjoining to the dwelling-houſe of the owner, although ſuch ſhop, ware-houſe, tan-yard, drying-houſe, cellar, coach-houſe, ſtable, or out-houſe be not actually broke open by ſuch offenders, and although the owners of ſuch goods, or any other perſon, be or be not in ſuch ſhop, ware-houſe, tan-yard, drying-houſe, cellar, coach-houſe, ſtable, or other out-houſe, to be put in fear; or ſhall ſteal any goods to the value of five ſhillings, left on any quay, or in any wharf, or ſhall aſſiſt, hire, or command any perſon to commit ſuch offences, being thereof convicted or attainted by verdict or confeſſion, or being indicted thereof ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall peremptorily challenge above twenty perſons returned to be of the jury, ſhall be excluded from the benefit of the clergy or of any ſtatute.

Stealing goods privately.

LXV. *ſect.* 2. The grand jury at the aſſizes of the county, or county of the city or town where any of the ſaid offences ſhall be committed, and the grand-juries at the quarter-ſeſſions for the county of Dublin, and county of the city of Dublin, may make preſentments, if they think fit, for raiſing of any ſum not exceeding five pounds, for every perſon who ſhall apprehend any guilty of any of the ſaid felonies, and proſecute ſuch perſons to conviction; which preſentments ſhall be confirmed by the judges of aſſizes, and if in the county of Dublin, or county of the city of Dublin, by the juſtices at the quarter-ſeſſions.

Rewards to be raiſed by preſentment.

LXVI. *ſect.* 3. If any perſon ſhall commit felony in ſtealing any wares or goods, from whom the benefit of the clergy is hereby taken away, and being out of priſon, ſhall diſcover and apprehend two or more perſons who ſhall commit any ſuch felony, and ſhall be convicted thereof, every ſuch diſcoverer ſhall have his Majeſty's pardon for every ſuch felony which they ſhall have committed before ſuch diſcovery made, which pardon ſhall likewiſe be a good bar to any appeal to be brought for any ſuch felonies.

Pardon to diſcoverers.

LXVII. *ſect.* 5. There ſhall be paid to every conſtable, who by virtue of a *mittimus* under the hand and ſeal of any juſtice of the peace for treaſon or felony, ſhall carry to and ſafely lodge in the county gaol, any perſon committed to him by ſuch juſtice, the ſum of three pence for each mile ſuch perſon ſo committed ſhall be carried; and alſo the like ſum ſhall be paid to each of two *proteſtants* armed with fire-arms, who ſhall go along with ſuch conſtable

Payments to conſtables and a guard.

to

to the county gaol to guard ſuch priſoners, which ſums ſhall be raiſed by the grand-juries of the reſpective counties in manner aforeſaid.

Appointing a guard.

(2) And in caſe there ſhall be more priſoners than one to be conveyed to gaol, the ſaid juſtice ſhall appoint as many *proteſtants* with fire-arms to guard ſuch priſoners, as ſhall be neceſſary for their ſafe conveyance to gaol, each of whom ſhall be intitled to the like ſums of three pence a mile, to be raiſed as aforeſaid.

Continuation of former acts.

XXI. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 2. One act made 6 *Geo.* 1. *cap.* 12. *for the better and more effectual apprehending and tranſporting felons and others*, &c. and one other act made, 8 *Geo.* 1. *cap.* 9. *for amending an act for the better and more effectual apprehending and tranſporting felons and others*, &c. and ſo much of one other act, 3 *Geo.* 2. *cap.* 4. *for the more effectual tranſporting felons*, &c. and alſo ſo much of one other act, 9 *Geo.* 2. *cap.* 6. *for continuing and amending ſeveral acts near expiring*, as alters or adds to any of the ſaid acts, and all the powers, proviſoes, and penalties in the ſaid acts, with the alterations and additions made by the ſaid act, 9 *Geo.* 2. *cap.* 6. ſhall continue from the end of this ſeſſion of parliament, for twenty-one years, and to the end of the then next ſeſſion.

Fines.

Form of levying fines.

I. *Eng. Stat.* de finibus, 18 *Edw.* 1. *ſtat.* 4. When the original is read in preſence of the parties before the juſtices, a ſerjeant ſhall ſay: "*Sur juſtice*, "leave to agree" the juſtice ſhall ſay, "Who will give?" "Sir, *R.*" naming one of the parties. Then when they are agreed of the ſum to be given to the King, the juſtice ſhall ſay, "Cry the peace." Then the ſerjeant ſhall ſay thus: "The peace is ſuch, with your leave, that *W.* and *A.* his wife, who here "are, recognize the manor of *B.* with the appurtenances, contained in the "writ, to be the right of *R.* as that which he hath of their gift; to have and "to hold to him and to his heirs, of *W.* and *A.* and the heirs of *A.* as in "demeſnes, rents, ſeignories, courts, pleas, reliefs, eſcheats, mills, advow-"ſons of churches, and all other liberties and free cuſtoms to the aforeſaid "manor appertaining, rendering yearly to *N.* and his heirs, chief lords of the "fee, the ſervice due and accuſtomed for all ſervices."

Writ original.

(2) And the law will not ſuffer a final accord to be levied in the King's court, without a writ original, and that at leaſt before four juſtices in the bench or in eyre, and in preſence of the parties, who muſt be of full age, of good memory, and out of priſon.

Married women.

(3) And if a married woman be one of the parties, ſhe muſt firſt be confeſſed of the four juſtices, and if ſhe aſſent not to the fine, it ſhall not be levied. And the cauſe of ſuch ſolemnity is, that a fine is ſo high a bar that it foreclo-eth not only parties and privies, and their heirs, but all other people who are of full age, out of priſon, of good memory, and within the four ſeas, the day of the fine levied, if they put not their claim to the record of action or to the peace within the year and day.

Exceptions to fines.

II. *Eng. Stat.* 27 *Edw.* 1. *ſtat.* 1. *cap.* 1. Parties to fines and their heirs, ſhall not be admitted to except, that before the fine levied, and at the levying thereof, and ſince, the demandants or their anceſtors were always ſeiſed of the lands

lands contained in the fine or of ſome parcel thereof. And notes and fines levied in court, ſhall be read openly, and in the mean time all pleas ſhall ceaſe, and this muſt be two days in the week, according to the diſcretion of the juſtices. *See* **Attorneys.** *Par.* III.

III. *Eng. Stat.* 34 *Edw.* 3. *cap.* 16. The plea of non-claim of fines ſhall not be any bar. Plea of non-claim.

IV. *Eng. Stat.* 5 *Hen.* 4. *cap.* 14. All writs of covenant, and all other writs whereupon fines ſhall be levied, with the writs of *dedimus poteſtatem*, with all knowledges and notes of the ſame, before they be drawn out of the common bench by the chyrographer, ſhall be inrolled of record, to remain in cuſtody of the chief clerk of the common bench, for the old fee of 22*d.* for entring of the concord. Writs to be enrolled.

V. *Eng. Stat.* 1 *Ric.* 3. *cap.* 7. *ſect.* 1. After the engroſſing of every fine to be levied in the common pleas, of any hereditaments, the ſame fine ſhall be openly read and proclaimed in court the ſame term, and in three terms next enſuing after the ingroſſing, four days in every term, and all pleas ſhall ceaſe, and a tranſcript of the fine ſhall be ſent to the juſtices of aſſizes of the county where the tenements be, to cauſe the fine to be proclaimed in every ſeſſions of aſſizes the ſame year. Proclamations and tranſcripts.

VI. *ſect.* 2. A like tranſcript ſhall be ſent to the juſtices of peace of the county where the lands be, and they ſhall cauſe proclamation of the fine to be made at four ſeſſions of the peace in the ſame year. Seſſions of the peace.

VII. *ſect.* 3. The ſaid juſtices of aſſizes and juſtices of peace ſhall certify the proclamation to the juſtices of the common place, at the ſecond day of return of the term next following, after which proclamation made and certified, the fine ſhall be a final end, and conclude as well privies as ſtrangers, except women covert, other than be parties to the fine, and perſons within age, in priſon, or out of England, or not of whole memory, at the time of ſuch fine levied. Certificate of proclamations.

VIII. *ſect.* 4. Saving to every perſon ſuch right which they have to the ſaid lands at the time of ſuch fine ingroſſed, ſo that they purſue their right by action or entry within five years after the proclamation made or certified. Action or entry in five years.

IX. *ſect* 5. Saving to all perſons all right which ſhall come to them after the fine ingroſſed, by force of any gift in tail, or other cauſe had before the fine levied, ſo that thoſe perſons take their actions, or purſue their right, according to law, within five years after ſuch title come to them. And the ſaid perſons and their heirs may have their ſaid action againſt the taker, or the profits at the time of ſuch action to be taken. Saving new rights.

X. *ſect.* 6. If the ſame perſons, at the time of ſuch title come, be covert baron, within age, in priſon, out of this land, or not of whole memory, their right ſhall be reſerved to them and their heirs, till they be at their full age, out of priſon, within this land, unmarried, and of whole memory, ſo that they or their heirs take their actions or entry within five years after they be at full age, &c. to take their entry with effect. Proviſions for perſons under incapacities.

XI. *ſect.* 7. If they do not take their actions and entry as aforeſaid, they ſhall be concluded by the fines. Concluded by fines.

XII. *ſect.* 8. Every fine levied after the manner that fines have been levied before this act, ſhall be of like effect as fines ſo levied were before this act, and Fines before this act.

every perſon ſhall be at liberty to levy any fine, as by this act, or after the manner before uſed.

Reading and proclaiming.

XIII. *Eng. Stat.* 4 *Hen.* 7. *cap.* 24. After the ingroſſing of every fine levied in the King's court before his juſtices of the common place, of any hereditaments, the ſame fine ſhall be openly read and proclaimed in court the ſame term, and in three terms next following the ingroſſing, four days in every term. And in the ſame time all pleas ſhall ceaſe.

Final to privies and ſtrangers.

(2) And the ſaid proclamations ſo made, the ſaid fine ſhall be final, and conclude as well privies as ſtrangers, except women covert, other than parties, and every perſon then within the age of twenty one years, in priſon, or out of this realm, or not of whole mind at the time of ſuch fine levied, nor parties to ſuch fine; ſaving to every perſon and to their heirs, other than parties, ſuch right as they have at the time of ſuch fine ingroſſed, ſo that they purſue their claim by action or entry within five years after the proclamations.

Saving new rights.

(3) And ſaving to all other perſons ſuch right as ſhall come to them after the fine engroſſed and proclamation made, by force of any gift in tail, or other cauſe had before the fine levied; ſo that they take their right according to law within five years after ſuch right accrued. And the ſaid perſons and their heirs may have their action againſt the pernor of the profits at the time of the action taken.

Perſons under incapacities.

(4) And if the ſame perſons at the time of ſuch right accrued be covert baron, within age, in priſon, out of this land, or not of whole mind, their right ſhall be ſaved to them and to their heirs, unto the time they be at full age, out of priſon, within this land, uncovert, and of whole mind, ſo that they or their heirs take their actions or entry within five years after that they be at their full age, &c. or other lawful entry take.

Action and entry in five years.

(5) And all ſuch perſons as be covert baron, not party to the fine, and every perſon being within the age of twenty-one years, in priſon, out of this land, or not of whole mind at the time of the fines levied and engroſſed, having any title, or their heirs, ſhall take their actions and entry within five years after they be of full age, &c. and if they take not their actions and entry as aforeſaid, they and their heirs ſhall be concluded by the fines, as they that be parties.

Perſons not parties.

(6) Saving to every perſon not party to the fine, their exception to avoid the fine, by that that thoſe that were parties to the fine, nor no perſons to their uſe, had nothing in the lands compriſed in the fine at the time of the fine levied. And every fine levied in the King's courts after the manner that fines have been levied afore this act, ſhall be of like force as fines ſo levied were afore this act; and every perſon ſhall be at liberty to levy any fine after the form in this act, or after the manner aforetime uſed.

Fine a ſufficient bar.

XIV. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 8. *ſect.* 1. All fines levied with proclamations according to the ſtatute *made in England*, 4 *Hen.* 7. *cap.* 24. by perſons of full age of one and twenty years, of any lands, &c. before the fine levied, intailed to the perſons levying the fine, or to any anceſtor of the ſaid perſons in poſſeſſion, reverſion, remainder, or in uſe, ſhall be after the fine levied, engroſſed, and proclamation made, a ſufficient bar againſt the ſaid perſons and their heirs claiming the ſame lands, &c. by force of ſuch intail, and againſt all other perſons claiming the ſame to their uſe, or to the uſe of any heirs of the bodies of them.

XV. *ſect.*

XV. *ſect.* 2. Provided that this act ſhall *not* bar the lawful entry of any heir in or to any lands, &c. by reaſon of any fine levied by any woman after the death of her huſband, contrary to the ſtatute made in England, in the eleventh year of Henry the ſeventh, of lands of the inheritance or purchaſe of the huſband or his anceſtors, aſſigned to ſuch woman in dower for term of life, or in tail, uſe, or poſſeſſion, but the ſame act 11 *Hen.* 7. ſhall be in full ſtrength in this kingdom. (*See Tit.* **Jointures.**) Entry of the heir.

XVI. *ſect.* 3. Provided alſo, that this act do *not* extend to any fines levied of any lands, &c. the owners whereof by any expreſs words contained in any act of parliament made ſithence the fourth year of Henry the ſeventh, be reſtrained from making alienations of the lands, &c. contained in the ſaid fines. Alienation of lands.

XVII. *ſect.* 4. Provided alſo, that this act ſhall *not* extend to any fines levied by any perſons of any lands, &c. before the time of the levying of the ſame, granted or aſſigned to the perſons levying the ſame, or to any of their anceſtors in tail, by virtue of any letters patent, or by virtue of any act of parliament, the reverſion whereof at the time of the fines levied, being in *the King*, but ſuch fines ſhall be of like effect, as they ſhould have been if this act had never been made. *Eng. Stat.* 32 *Hen.* 8. *cap.* 36. Reverſions in the king.

Part of the laſt clauſe of this act contains a proviſion for ſome caſes previous to the paſſing the act, which can now have no further effect, and is omitted.

XVIII. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 9. *ſect.* 1. All fines levied before the juſtices of the common pleas of any lands, &c. whereupon the proclamations ſhall not by reaſon of adjournment of any term by writ be duly made, ſhall be of as good force as if any term ſo adjourned had been holden and kept from the beginning to the end thereof not adjourned, and proclamations therein made according to the ſtatute *made in England*, 4 *Hen.* 7. *cap.* 24. *Eng. Stat.* 1 *Mar. Stat.* 2. *cap.* 7. Adjournment of term by writ.

Sect. 2. *Relates to caſes previous to the paſſing this act, and is omitted, as it can now have no further operation.*

XIX. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 10. *ſect.* 1. Every writ of covenant, and other writ whereupon any fine hath been or ſhall be levied, the return thereof, the writ of *dedimus poteſtatem*, made for the knowledging of the fines, the return thereof, the concord note and foot of every ſuch fine, the proclamations made thereupon, and the King's ſilver, and every original writ of entry in the *poſt*, or other writ, whereupon any common recovery ſhall be ſuffered, the writs of ſummons *ad warrantizandum*, the returns of the ſaid originals and writs, and every warrant of attorney, as well of every demandant and tenant as voucher, may upon the requeſt or election of any perſon, be inrolled by the clerk or proper officer by the court to be appointed, and for ſuch reaſonable fees as that court ſhall appoint. And the inrolments of the ſame ſhall be of as good force as the ſame being extant ought to be. Writs of covenant. Writs of entry.

XX. *ſect.* 2. No fine, proclamations upon fines, or common recovery, ſhall be reverſeable by writ of error, for falſe Latin, raſure, interlining, miſ-entring of any warrant of attorney, or of any proclamation, miſ-returning, or not returning of the ſheriff, or other want of form in words and not in ſubſtance. Wants of form.

XXI. *ſect.* 3. And the chirographer of fines of the common pleas ſhall write and make for every county where his Majeſty's writ runneth, one table wherein ſhall be contained ſuch contents of every fine that ſhall paſs in any one term, as hereafter is mentioned; that is to ſay, the name of the county where- Tables of fines.

in the tenements mentioned in any fine do lie, the name of every plaintiff and deforceant, and of every manor named in the fine, if any ſuch be, and of the towns and places where the tenements in ſuch fine compriſed do lie, and the firſt day of the next term after the ingroſſing of every ſuch fine, ſhall fix every of the ſaid tables upon ſome open place of the common pleas, and ſo every day of the term during the time of ſitting of the court.

Contents to be delivered to ſheriffs.

(2) And the chirographer ſhall deliver to every ſheriff of every county, fair written in parchment, a perfect content of the table ſo to be made for that county, in the term next before the aſſizes be holden in the ſaid county, or elſe between that term and the aſſizes.

To be hung up at the aſſizes.

(3) And every ſheriff to whom ſuch parchment with the content aforeſaid ſhall be delivered, the firſt day of the next aſſizes, and every day during the ſaid aſſizes, ſhall fix up the ſaid writing undefaced in ſome open place in the court where the juſtices of aſſize ſhall ſit, and ſhall ſee the ſame to continue there during ſuch time as the ſaid juſtices ſhall ſit in court.

Penalty for omiſſions.

(4) Upon pain that every chirographer and ſheriff offending ſhall forfeit to the King five pounds, one moiety to the King, and the other moiety to them that will ſue for the ſame in any court of record, wherein no eſſoign, *&c.* ſhall be allowed; and the chirographer ſhall have for every ſuch content of every fine ſo ſet down in the table aforeſaid, four pence. *Eng. Stat. 23 Eliz. cap. 3.*

Four proclamations only.

XXII. *Stat. 15 Car. 1. cap. 2.* All fines with proclamations to be levied in the court of *common pleas* ſhall be proclaimed only four times, that is to ſay, once in the term wherein it is engroſſed, and once in every of the three terms holden next after, and every fine proclaimed as aforeſaid, ſhall be of as great force as if the ſame had been ſixteen times proclaimed according to the ſtatutes heretofore made. *Eng. Stat. 31 Eliz. cap. 2.*

Stat. 15 Car. 10. cap. 2. *For remedy of errors and defects in fines, &c. levied before Eaſter term in the firſt year of* Car. 1. *cannot have any further operation, and is omitted.*

Declarations of uſes.

XXIII. *Stat. 6 Ann. cap. 10. ſect. 15.* All declarations of uſes of fines or common recoveries of lands, manifeſted and proved by any deed to be made by the parties by law enabled to declare ſuch uſes, after the levying or ſuffering of ſuch fines or recoveries, ſhall be as effectual as if the act 7 *Will. 3. for prevention of frauds, &c.* had not been made.

Actions upon claim or entry.

XXIV. *ſect. 16.* No claim or entry to be made of or upon lands, &c. ſhall be of any force to avoid any fine levied with proclamations in the common pleas, or ſhall be a ſufficient entry or claim within the ſtatute made in the tenth year of King Charles the firſt, *for limitations of actions, &c.* unleſs upon ſuch entry or claim, an action ſhall be commenced within one year after the making ſuch entry or claim, and proſecuted with effect. *Eng. Stat. 4 Ann. cap. 16. ſect. 15, 16.*

Fire.

Accidental fire.

I. *Stat. 2 Geo. 1. cap. 5. ſect. 1.* No action ſhall be maintained againſt any perſon in whoſe houſe or chamber any fire ſhall begin accidentally, or any ſatisfaction be made by ſuch perſons for any damage occaſioned thereby.

II. *ſect.*

II. *ſect.* 2. Provided that nothing herein contained ſhall extend to any action, covenant or agreement between landlord and tenant. *Eng. Stat.* 6 *Ann. cap.* 31. *ſect.* 6, 7. Landlord and tenants.

III. *ſect.* 3. Upon the breaking out of any fire within the city of Dublin, or any other city or town corporate, the chief magiſtrate, conſtable, and beadles of ſuch city or town corporate, upon notice thereof, ſhall immediately repair to the place where the fire ſhall happen, with the badges of their authority, and be aſſiſting as well in the extinguiſhing the fires, and cauſing the people to work at the engines for throwing up water, as alſo in preventing goods being ſtolen, and ſhall apprehend all ill-diſpoſed perſons that they ſhall find ſtealing from the inhabitants, *and* ſhall give their utmoſt aſſiſtance to help the inhabitants to remove their goods. *Eng. Stat.* 6 *Ann. cap.* 31. *ſect.* 5. Magiſtrates, &c. to be aſſiſting.

IV. *ſect.* 4. If any ſervant through negligence ſhall fire or occaſion the burning of any dwelling-houſe or out-houſe, ſuch ſervants being thereof convicted by the oath of one credible witneſs, made before two juſtices of the peace, ſhall forfeit fifty pounds unto the church-wardens of ſuch pariſh where ſuch fire ſhall happen, to be diſtributed by the grand jury at the next quarter-ſeſſions where ſuch fire ſhall happen, amongſt the ſufferers by ſuch fire, in ſuch proportion as to the grand jury ſhall ſeem juſt. Negligence of ſervants.

(2) And in caſe of refuſal to pay the ſame immediately after ſuch conviction, the ſame being lawfully demanded by the ſaid church-wardens, ſuch ſervants ſhall by warrant under the hand of two juſtices of the peace, be committed to ſome work-houſe or the houſe of correction, as the ſaid juſtices ſhall think fit, for eighteen months, there to be kept to hard labour. *Eng. Stat.* 6 *Ann. cap.* 31. *ſect.* 3. *(See Tit.* Dublin, *Fire.)* Committal for eighteen months.

Fire Engines and Watch.

I. *Stat.* 11 & 12 *Geo.* 3. *cap.* 14. *ſect.* 1. The miniſter of every pariſh in every city and town corporate, except ſuch for which particular proviſions already made by ſome law, or his curate, ſhall on the 1ſt of June, 1772, hold a veſtry, of which he ſhall give publick notice at leaſt ſix days previous, including the day of notice; and ſuch veſtry ſhall at ſuch meeting determine and aſcertain the ſum to be raiſed upon the pariſh for purchaſing one fire engine at leaſt, with pipes, buckets, and all other implements neceſſary for working the ſame, and for providing a proper place for keeping, and appoint ſuch perſons to attend and work the ſame, as often as occaſion ſhall require, at ſuch yearly ſalaries as they think proper; and ſuch veſtry ſhall at ſuch meeting elect three of the pariſhioners of good ſubſtance to be directors of the watch for the year enſuing, and alſo appoint ſuch number of watchmen, and at ſuch wages as they ſhall think proper, which watchmen ſhall be under the controul and inſpection of ſuch directors. Pariſh miniſters (except a particular proviſion) to hold veſtry 1 June 1772, ſix days notice, aſcertain the ſum for a fire engine, with implements, &c. appoint attendants, three pariſhioners directors of watch for the year, and watchmen.

II. *ſect.* 2. That no pariſh, which has at preſent a fire engine belonging to it, obliged to purchaſe another. Not obliged to purchaſe another.

III. *ſect.* 3. The miniſter of every pariſh, or his curate, ſhall on every firſt day of June annually, during the continuance of this act, hold a veſtry, of which ſuch notice given as aforeſaid, for chuſing and appointing ſuch perſons directors and watchmen, as herein before mentioned, for the year enſuing; and ſuch veſtry ſhall at ſuch meetings determine and ſettle, what ſums ſhall be raiſed for all or any of the purpoſes aforeſaid, during the enſuing year, Veſtry every 1ſt of June, like notice.

IV. *ſect.*

Repealed by 13 & 14 Geo. 3. c. 24, 25.

parishioners on oath;

IV. *sect.* 4. Church-wardens shall, from time to time, levy the sum so agreed to be raised, upon the occupiers of houses within their respective parishes according to the rate, at which such houses are valued for the collection of minister's money; and where no such valuation, such houses shall be valued by three inhabitants of every such parish upon oath, to be appointed by such church-wardens respectively, which oath such church-wardens are empowered and required to administer; and such church-wardens shall levy the proportion of the sum, so agreed to be raised, upon the occupiers of such houses, according to such valuation; in case any person shall refuse or neglect to pay to such church-warden the sum with which so chargeable, or any part thereof, church-warden shall have like remedy for recovery by distress or otherwise, as for recovery of parish cesses.

Applied to said purposes, return before the year to the minister on oath;

examined in vestry on like notice; account not returned, 20l. by civil bill to the use of the parish.

V. *sect.* 5. Church-wardens shall apply the sum so raised for the respective purposes before mentioned, and before the expiration of the year, for which they shall be so chosen, return to the minister or his curate, upon oath, which oath such minister or curate is empowered and required to administer, a true and particular account in writing of the sum so by them respectively received, and of the application of the same; which account shall be examined and allowed or disallowed at a vestry, of which such notice as aforesaid given, held for that purpose; in case any church-wardens neglect or refuse to return such account, he shall forfeit twenty pounds, by civil bill in name of the minister, and the same shall be applied to use of the parish.

Orders in vestry for regulating watch and fire men;

on proof of breach before justice 10s. to parish use.

VI. *sect.* 6. It shall be lawful for the minister or his curate, church-wardens or parishioners, or major part in vestry, from time to time, as occasion shall require, to make such bye-laws, orders, and rules for regulation of the watch, and of persons employed in working such fire engines, as they shall think necessary, and to remove such of them as they think proper, and appoint others in their places; and in case any watchman, or person employed about such fire engines, shall act contrary to any such rules, upon due proof thereof upon oath by one or more credible witnesses, before any justice of such city or town corporate, he shall forfeit ten shillings, deducted out of his wages, which shall be applied to use of the parish.

General issue;

a publick act.

VII. *sect.* 7. If any action or suit commenced or prosecuted against any person for any thing done in pursuance of this act, the defendant may plead general issue, and give the special matter in evidence; this act deemed a public act, and judicially taken notice of as such.

11 & 12 G. 3. c. 14. repealed as to assessment by ministers money, assessed upon occupiers of houses by the value.

VIII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 24. *sect.* 5. Whereas by an act last session, for preventing spreading of fires, and for appointing watches, the sums raised shall be assessed upon occupiers of houses within their parishes, according to minister's money, and such valuation has been found inexpedient: so much of said act shall be repealed, and such sums shall be assessed by the persons and in manner therein directed upon the occupiers of the several houses within such parishes respectively, according to value of such houses respectively.

Judges of assize on complaint of neglect to provide fire engines, may order 50l. on the parish; levied as presentments;

IX. *sect.* 6. If any of said parishes shall after 1 June next neglect to make provisions for purposes in said second act, so far as the same relates to providing fire engines, it shall be lawful for the judges of assize, or one of them, upon complaint of such neglect to order any sum not exceeding fifty pounds, to be raised upon the parish guilty of such neglect; and the sum so ordered, shall be assessed and levied upon such parish by the persons, in manner, and with like remedies, as money presented by grand juries; and sums so raised

shall

ſhall be paid to the miniſter or curate of ſuch pariſh, and by him applied to purpoſes of ſaid ſecond act; and the judges, to whom ſuch complaint made, are empowered and required to examine upon oath touching the matter. paid to miniſter for purpoſes of ſaid act; complaint examined on oath.

X. *ſect.* 7. If any action or ſuit againſt any perſon, for any thing done in purſuance of this, or of the two acts herein mentioned, the defendant may plead the general iſſue, and give the ſpecial matter in evidence; and this act deemed a publick act, and judicially taken notice of as ſuch. General iſſue, and ſpecial matter in evidence, a publick act.

Firſt-Fruits.

I. *Stat.* 28 *Hen.* 8. *cap.* 8. *ſect.* 1. The King ſhall have of every perſon nominated, or by any other means appointed, to have any archbiſhoprick, biſhoprick, archdeaconry, deanery, prebend, parſonage, or vicarage, the *annate* commonly called the *(ane)* firſt-fruits and profits for one year, of every ſuch archbiſhoprick, &c. aforenamed. Annates to the king.

(2) And every ſuch perſon, before actual poſſeſſion or meddling with the profits, ſhall pay, compound or agree to pay to the King's uſe, at reaſonable days upon good ſureties the ſaid *annate*, or the firſt-fruits and profits for one year. Compoſition and ſecurity.

II. *ſect.* 2. The chancellor of Ireland, the maſter of the rolls, and the under-theſaurer, or any two of them, ſo as the ſaid under-theſaurer be one, or ſuch other perſons as ſhall pleaſe the King to depute by commiſſion under the great ſeal, ſhall have authority as well to examine the value of the ſaid firſt fruits, as to compound for the rate of the ſaid *annate* and firſt-fruits, and to limit reaſonable days upon payment thereof, upon good and ſufficient ſureties by writings obligatory by their diſcretion. Valuation of the firſt-fruits.

(2) And if compoſition be made for the firſt fruits before the ſaid lord chancellor, the maſter of the rolls, and the under-theſaurer, or any two of them, ſo as the ſaid under-theſaurer be one, the writings obligatory, or money taken for the ſame, ſhall remain in the hands of the under-theſaurer, or in the hanaper, to the King's uſe; and the undertheſaurer for ſuch writings obligatory and money as cometh to his hands ſhall make account thereof. And the clerk of the hanaper, for ſuch writings and money as he receiveth, ſhall make account thereof, as of the money received of the profits of the great ſeal. Writings obligatory.

(3) And if compoſition be made for the ſaid firſt-fruits afore any perſons to be deputed by the King, by commiſſion under his great ſeal, the writings obligatory, and money taken for the ſame, ſhall be delivered to the under-theſaurer, or elſewhere, to whom it pleaſe the King to give authority by commiſſion under his great ſeal to receive the ſame. Compoſition before commiſſioners.

III. *ſect.* 3. Every writing of acquittance ſubſcribed with the hand and name of the under-theſaurer, clerk of the hanaper, or other commiſſioners, or any of them, witneſſing the receipt of the firſt-fruits, or any part thereof, and all writings obligatory to be taken for payment of the ſaid firſt-fruits by the lord chancellor, the maſter of the rolls, and under-theſaurer, or any two of them, as is aforeſaid, or by any other perſons to be deputed to compound and agree for the firſt-fruits, ſhall be of the ſame effect within Ireland, The ſame effect as in England.

Ireland, as ſuch writings of acquittances, and writings obligatory ſubſcribed and taken by ſuch perſons as be appointed by the act made at Weſtminſter, *Stat.* 26 *Hen.* 8. *cap.* 3, within England, and upon certificate hereafter to be made into the King's chancery of any ſuch writing obligatory for payment of ſuch firſt-fruits, like proceſs and execution ſhall be thereupon made, and had againſt any perſon ſpiritual or temporal, as hath been accuſtomed to be made againſt any lay perſon upon certificate of writings obligatory of the ſtatute of the ſtaple.

Fees for bonds and acquittances.

(2) And no perſon ſhall pay for any writing obligatory, for the payment of the ſaid firſt-fruits above eight-pence, nor for any acquittance for any receipt of ſuch firſt-fruits, above four pence. And ſuch perſon as ſhall be deputed by the King by commiſſion under the great ſeal of England and Ireland to compound and agree for the ſaid firſt-fruits, ſhall at the end of every ſix months after the date of their commiſſion, and from ſix months to ſix months, deliver unto the under-theſaurer of this land, or to ſuch commiſſioners as ſhall be appointed to receive the ſame, as well all ſuch money, as all ſuch bonds as they ſhall have taken for the payment of the ſaid firſt-fruits, by indenture to be made between them and the ſaid under-theſaurers or other commiſſioners.

Imbezzling ſecurities.

(3) And if any perſons to whom any deputation ſhall be made by commiſſion to compound for the payment of the ſaid firſt-fruits, their heirs, executors or adminiſtrators, conceal or imbezel any of the ſpecialties and bonds taken for the payment of the ſaid firſt-fruits, and do not deliver them according to this act, ſuch offenders ſhall forfeit that office of deputation, and make fine at the King's pleaſure.

Engliſh act, 26 Hen. 8.

IV. *ſect.* 4. Every article, proviſion, and thing enacted or compriſed within the ſaid act made at Weſtminſter 26 *Hen.* 8. *cap.* 3. for the payment of the ſaid firſt-fruits in England, ſhall be in the ſame force in Ireland as they be in Ireland.

Incumbents of benefices.

V. *ſect.* 5. Firſt-fruits of benefices heretofore accuſtomed to be paid by and to the executors or adminiſtrators of the incumbents of the ſaid benefices, or to any other perſons within Ireland, ſhall ceaſe and be extinct, and no longer be paid, but only to the King, in ſuch form as is above mentioned in this act.

Proviſion for cures.

(2) Provided that in as much as by this preſent and aforeſaid act, the king hath the firſt-fruits of parſonages, vicarages, and ſuch benefices as have cure, that our ſovereign Lord at every avoidance of any ſuch parſonage, vicarage, or benefice, of the iſſues and profits, ſhall provide a ſufficient and able prieſt to ſerve the cure from any ſuch avoidance, till one be admitted and inſtituted to the ſame.

Repeal of the act 3 & 4 Phil. and Mary.

VI. *Stat.* 2 *Eliz. cap.* 3. The act paſſed in the third and fourth years of *Phil. & Mar.* whereby the payment of firſt-fruits, &c. to the crown was extinguiſhed, is repealed, and the payment of the firſt fruits is revived and annexed to the crown, in as ample a manner as before the ſaid act of extinguiſhment. Saving to all perſons, other than thoſe claiming by letters from Queen Mary or under the ſaid act, all right, &c.

VII. *ſect.* 5.

VII. *ſect.* 5. Vicarages not exceeding the yearly value of ſix pounds thirteen ſhillings and four pence after the rate upon the records and books of the rates and values of the firſt-fruits now remaining in the exchequer, or that ſhall hereafter come into the ſaid courts, and alſo parſonages not exceeding the yearly value of five pounds, after the like rate and valuation, and the incumbents thereof and their ſucceſſors, ſhall be free and acquitted for ever from firſt-fruits. Benefices diſcharged.

VIII. *ſect.* 9. This act ſhall not in any wiſe extend to charge any hoſpital founded and uſed, and the poſſeſſions thereof employed to and for the relief of poor people, or any ſchole or ſcholes, or the poſſeſſions or revenues of them or any of them, with the payment of any twenty part or firſt-fruits. *Eng. Stat.* 1 *Eliz. cap.* 4. Hoſpitals and ſchools.

The other Clauſes of this act are altered or abrogated by later ſtatutes.

IX. *Stat.* 2 *Geo.* 1. *cap.* 15. *ſect.* 1. Whereas Queen Anne did by letters patent bearing date on the ſeventh day of February, in the tenth year of her reign, grant unto the ſeveral biſhops and perſons in the ſaid letters patent mentioned, all firſt-fruits iſſuing out of the eccleſiaſtical benefices payable by the clergy by whatſoever right the ſame did belong to the crown, *to have and to hold* the ſaid firſt-fruits, to the ſaid archbiſhops, biſhops, and their ſucceſſors reſpectively, and to the other perſons in the ſaid letters patent named, for the diſpoſition of the ſaid revenue of firſt-fruits to the uſes in the ſaid letters patent contained; and did likewiſe by other letters patents under the great ſeal of this kingdom, bearing date the ſeventh day of February, in the tenth year of her reign, releaſe for her, her heirs, and ſucceſſors, to all the biſhops, &c. and to the reſt of the clergy and their ſucceſſors the twentieth parts, payable for their eccleſiaſtical benefices and dignities ſpiritual, by virtue of the ſtatute made in the twenty eighth year of king Henry the eighth, or by force of any other ſtatutes; the ſaid letters patent, and all the grants in the ſame, ſhall remain of full force notwithſtanding any informality, or other defect in the ſaid letters patent, or in the paſſing or obtaining the ſame; and all biſhops, &c. and other eccleſiaſtical perſons and their ſucceſſors, ſhall be diſcharged of the payment of twentieth parts according to the ſaid letters patent. Letters patent of queen Anne. Confirmation.

X. *ſect.* 2. The ſeveral perſons to whom the firſt-fruits are intended to be granted, by the above mentioned letters patents for granting the firſt-fruits, and their ſucceſſors, ſhall have and hold the ſaid firſt-fruits to them and their ſucceſſors, and the ſaid perſons and their ſucceſſors ſhall, by virtue of the ſaid letters patent and of this act, receive all firſt-fruits which ſhall ariſe or become due out of every biſhoprick, &c. and all other eccleſiaſtical benefices formerly payable for the crown, but ſubject to the ſeveral uſes in the ſaid letters patent expreſſed, diſcharged of all titles which his Majeſty, or his heirs, or ſucceſſors, may have to them in right of his crown. Truſtees of the firſt fruits.

XI. *ſect.* 3. Any ſeven of the truſtees and commiſſioners, of whom the lord chancellor, the lord keeper or firſt commiſſioner of the great ſeal, one of the archbiſhops, and two of the biſhops, ſhall be always four, may act in the ſaid truſts, and diſpoſe of the ſaid firſt-fruits in the ſame manner as any nine of the truſtees might have acted and diſpoſed thereof, *according to the ſaid letters patent.* Seven truſtees may act.

Time allowed for payments.

XII. *ſect.* 4. Every biſhop and other eccleſiaſtical perſon obliged to pay firſt-fruits, ſhall have four years allowed him for the payment of his firſt-fruits, giving writings obligatory in ſuch manner as were uſed to be given for payment of the ſame in two years, which four years for all biſhops ſhall commence from the time of the reſtitution of their temporalities, and for all other eccleſiaſtical perſons from the date of their titles to their reſpective benefices.

Annual payments.

(2) And every of the ſaid four years ſuch biſhop or eccleſiaſtical perſon reſpectively ſhall pay the fourth part of the whole ſum of his firſt-fruits, and if he ſhall die or be removed before four years ſhall be expired, he, his heirs, executors, and adminiſtrators, ſhall be diſcharged of ſo much of ſuch firſt-fruits as did not become due or payable at or before the time of his death o removal.

Election upon vacancies.

XIII. *Stat.* 10 *Geo.* 1. *cap.* 7. *ſect.* 1. The truſtees in the letters patent 10th *of Ann* named, or as many of them as by the ſaid letters patent, or by an act of Parliament made in the ſecond year of his Majeſty's reign, *for confirming the ſeveral grants made by her late Majeſty of the firſt-fruits and twentieth parts*, or by this preſent act have power to tranſact the buſineſs of the ſaid truſt, ſhall have power to nominate and elect a perſon in the room of Samuel Doppin who is now dead, and another in the room of the lord viſcount Percival, after his deceaſe, and ſo as often as any vacancy ſhall happen in the places of the ſaid lord viſcount Percival and Samuel Doppin or of any perſons hereafter to be elected to ſucceed therein, ſhall nominate and elect ſome other perſons into ſuch places, which perſons ſo elected ſhall ſtand in the room of the ſaid lord viſcount Percival and Samuel Doppin reſpectively, as if their proper names had been inſerted in the ſaid letters patent.

Corporation created.

XIV. *ſect.* 2. The ſaid truſtees ſhall be one body corporate, by the name of *the truſtees and commiſſioners of the firſt-fruits, payable out of the eccleſiaſtical benefices*, and ſhall have perpetual ſucceſſion, and ſhall have a common ſeal to be by them appointed, and they and their ſucceſſors, by the name aforeſaid, may ſue and be ſued, and the ſaid firſt-fruits iſſuing out of the eccleſiaſtical benefices payable by the clergy ſo granted to the ſaid truſtees by the ſaid letters patent, are hereby veſted in the ſaid corporation and their ſucceſſors, and the ſaid corporation and their ſucceſſors ſhall have all the rights and authorities by the ſaid letters patent and the ſaid act granted to the ſaid truſtees, and ſhall, by the name aforeſaid, execute all the acts which by the ſaid truſtees might lawfully be executed.

Quorum of truſtees.

XV. *ſect.* 3. In the abſence of the lord chancellor, lord keeper, or firſt commiſſioner of the great ſeal, one of the archbiſhops, two of the biſhops, and one of the chief judges of the King's bench, common pleas, or exchequer, and in the abſence of the ſaid chief judges, either the prime ſerjeant, attorney, or ſolicitor general, with any three of the truſtees and commiſſioners in the ſaid letters patent named, or their ſucceſſors, ſhall be a *quorum* of the ſaid corporation, and may act in the ſaid truſts, and diſpoſe of the ſaid firſt-fruits, in the ſame manner as any ſeven of the ſaid truſtees by virtue of the act, 2 *Geo.* 1. *cap.* 15. or any nine of the ſaid truſtees, by virtue of the ſaid letters patent, might have acted or diſpoſed thereof.

XVI. *ſect.* 4.

Incumbent chargeable.

XVI. *ſect* 4. Where one or more pariſhes, or part of one or more pariſhes ſhall be united to another, or to a part of a pariſh or pariſhes, or where any benefice, having actual cure of ſouls, ſhall be united or appropriated to a dignity or prebend without cure in purſuance of the act, 2 *Geo.* 1. *cap.* 14. and the incumbent of any united pariſhes, or of the pariſhes whereof part only ſhall be ſo united to any other pariſhes, or of ſuch benefices united and appropriated to a dignity or prebend, ſhall die, reſign, or be removed, the next incumbent ſhall be chargeable with and ſhall pay the firſt-fruits of ſuch pariſhes, or part of pariſhes, or of ſuch benefices ſo united and appropriated, as if he were legally collated, or inſtituted and inducted to the ſame.

Certificate of vacancies.

XVII. *ſect.* 5. The archbiſhops and biſhops are reſpectively required to make and return to the firſt fruits office, a certificate of the death, removal, or reſignation of ſuch incumbents of the ſaid pariſhes, or part of pariſhes, or of ſuch benefices ſo united or appropriated, and the name of the next incumbent, together with the ſeveral and particular denominations of each divided and united pariſhes, within ſuch time, and in the ſame manner as certificates uſually have been returned upon the inſtitution or collation of incumbents to benefices.

Proportions to be aſcertained.

XVIII. *ſect.* 6. Where any pariſh or pariſhes, or part of a pariſh or pariſhes, now liable to the payment of firſt-fruits, ſhall be divided by virtue of the ſaid act; it ſhall be lawful for the chief governors and privy council, in the inſtrument in writing whereby ſuch diviſion ſhall be made or confirmed by them, to aſcertain a juſt proportion of the firſt-fruits now due for ſuch pariſhes, which ſhall be payable out of each pariſh, &c. which ſhall be ſo divided; and ſuch firſt-fruits as ſhall be thereby aſcertained ſhall from thenceforth be payable out of the ſaid pariſh, &c. ſo divided.

New erected pariſhes.

XIX. *ſect.* 7. When any pariſh hath been already divided, or where part of one or more pariſhes hath been erected into a new pariſh, or united to any other pariſhes, before the firſt day of this ſeſſion of parliament, by virtue of the ſaid act, it ſhall be lawful for the archbiſhop of the province and biſhop of the dioceſe where ſuch divided or new erected pariſhes lie, by inſtrument in writing under their reſpective hands, and archiepiſcopal and epiſcopal ſeals, with the conſent of the ſaid truſtees and commiſſioners of the firſt-fruits, or any ſeven of them as aforeſaid, ſignified under their common ſeal, to aſcertain a juſt proportion of the firſt-fruits formerly due for ſuch pariſhes, which ſhall be payable out of ſuch new erected pariſhes, and out of the reſpective parts of ſuch united or divided pariſhes and ſuch firſt-fruits, as ſhall be aſcertained in manner aforeſaid, ſhall from thenceforth be payable out of ſuch new erected, divided, or united pariſhes as the ſame ſhall reſpectively become void, and ſhall upon every ſuch avoidance be ſecured and recovered in the ſame manner, as the firſt-fruits of other pariſhes may be ſecured and recovered.

Proviſions for pariſhes exempted.

XX. *ſect.* 4. Provided that nothing herein contained ſhall extend to charge any pariſhes or any part thereof that ſhall be divided purſuant to the ſaid act, with the payment of firſt-fruits, that are now exempted therefrom.

Placing money at intereſt.

XXI. *Stat.* 29 *Geo.* 2. *cap.* 18. *ſect.* 1. The truſtees and commiſſioners of the firſt-fruits, payable out of eccleſiaſtical benefices, or any ſeven of them, of whom the lord chancellor, lord keeper, or firſt commiſſioner of the great ſeal, one of the archbiſhops, and two of the biſhops of this kingdom; or in the abſence of the ſaid lord chancellor, lord keeper, or firſt commiſſioner of the great ſeal, one of the chief judges of the King's Bench, Common Pleas, or Exchequer, for the time being; and in the abſence of the ſaid chief judges,

then, either the prime ſerjeant at law, or the attorney-general, or ſolicitor-general, ſhall always be four, are empowered to lay out at intereſt ſuch ſums of money, the produce of the ſaid revenue of firſt-fruits, as ſhall at any time remain in their hands unemployed, by veſting the ſame, either in one entire ſum, or in parcels, in government, or parliamentary ſecurities, either in this kingdom or in Great Britain, or in mortgages of lands, &c. in this kingdom, as ſhall be directed and approved of by the ſaid truſtees, or ſuch *quorum* of them, as aforeſaid; and from time to time according to their diſcretion, to change or alter ſuch ſecurities, on which the ſaid monies, or any part thereof, ſhall be ſo placed out at intereſt.

Calling in money.

(2) And in caſe the whole or any part ſhall be wanted to anſwer any demand, for purchaſes to be made of glebes, or impropriations, where the ſame are wanting for the augmentation of the maintenance of the poor clergy, it ſhall be lawful for the ſaid truſtees, &c. to cauſe the ſame, or ſuch part thereof as ſhall be neceſſary for ſuch purpoſes, to be called in, or the ſecurities on which the ſame ſhall be ſo placed out, to be transferred, as they ſhall judge moſt convenient; and in caſe ſuch purchaſes do not offer, the ſaid truſtees, &c. may lay out at intereſt the annual produce of the ſaid principal ſums, on the like ſecurities as are before mentioned.

Securities effectual.

XXII. *ſect.* 2. All ſuch ſecurities or mortgages which ſhall be made and entered into, aſſigned, or transferred by any perſons, bodies corporate or politick, to the ſaid truſtees and commiſſioners for ſecuring the monies ſo to be laid out at intereſt, ſhall be as effectual in law, as the ſame would be, if made, entered into, aſſigned or transferred to any other perſons.

Remedy for recovering.

(2) And the ſaid truſtees, and commiſſioners, and their ſucceſſors, as a body politick and corporate, ſhall have all ſuch actions and other remedies, either in law or in equity, for calling in and recovering the ſaid monies, and acquire, have, and enjoy, ſuch eſtate and intereſt in any lands, &c. ſo to be mortgaged to them, as any other perſons, bodies politick or corporate, could have in the like caſes; and the ſaid monies, and all ſuch ſecurities ſo to be taken for the ſame, when ſo laid out at intereſt, and the annual intereſt thereof, as well as the produce of the ſaid revenue of firſt-fruits, ſhall remain and be veſted in the ſaid truſtees, for the uſes and purpoſes in the letters patent *(10th of Anne)* and the acts of parliament *(2 Geo. 1. cap. 15. and 10 Geo. 1. cap. 7.)* and herein expreſſed for the augmenting the maintenance of the poor clergy in this kingdom.

Proviſions of former ſtatutes.

XXIII. *ſect.* 3. All the ſtatutes and proviſions concerning the levying the payment of the ſaid firſt-fruits, or touching the charge or diſcharge of them, or any thing relating thereunto, which were in force at the time of granting the ſaid letters patent, and which have not been expreſsly altered by any act of parliament ſince made, are declared to be in force, and to be obſerved and put in execution according to the tenor and purport of the ſame, for ſuch intents and purpoſes as herein are before mentioned. *Eng. Stat. 2 Ann. cap. 11. ſect. 2.*

Appointment of officers.

XXIV. *ſect.* 23. It may be lawful for the ſaid truſtees, &c. to appoint a clerk or regiſter, or ſuch other officers, as they in their diſcretion ſhall think neceſſary for the better and more regular execution of the ſaid truſts; and out of the ſaid funds veſted in them, to pay ſuch ſalaries, fees, and rewards; and alſo, to increaſe and diminiſh the ſame, as the ſaid truſtees, &c. ſhall from time to time think fit.

(2) And

(2) And which offices ſhall be held, and ſuch ſalaries ſhall be paid for the ſame, during the pleaſure of the ſaid truſtees, or ſuch *quorum* of them, as aforeſaid, and no longer; and it may alſo be lawful for the ſaid truſtees, out of the ſaid funds, to expend and defray all ſuch incidental charges, as ſhall by them be judged neceſſary and expedient in relation to the premiſſes, or any matters or things concerning the powers or truſts herein before mentioned. During pleaſure only.

XXV. *ſect.* 24. The ſaid truſtees, or ſuch *quorum* of them as aforeſaid, are empowered to agree upon, draw up, prepare and propoſe, in writing, to the lord lieutenant or other chief governors of this kingdom, for the time being, ſuch proper and neceſſary rules, directions, orders, and conſtitutions, as the ſaid truſtees, &c. ſhall judge moſt convenient to be obſerved, for the better execution of the ſaid truſts and powers, or any matters relative to the ſame. Making rules and orders.

(2) And all ſuch rules, directions, orders, and conſtitutions, as ſhall be ſo agreed upon, prepared, and propoſed, to the lord lieutenant, or other chief governors of this kingdom, and which ſhall be approved and confirmed by writing under their hand and ſeal, ſhall be valid, and ſhall be duly obſerved, until the ſame ſhall be altered or annulled by any other ſubſequent rules, directions, orders, or conſtitutions, to be agreed upon, prepared, propoſed, approved, and confirmed, in manner before mentioned. (*Brit. Stat.* 1 *Geo.* 1. *cap.* 10. *ſect.* 3.) Approbation of chief governors.

XXVI. *ſect.* 25. Saving to the King, his heirs, and ſucceſſors, and to all other perſons, bodies politick and corporate, and their ſeveral heirs, ſucceſſors, executors, and aſſigns, other than and except the executors, adminiſtrators, and truſtees of the ſaid Hugh, late lord archbiſhop of Armagh, as ſuch, all ſuch right, title, eſtate, intereſt, claim, or demand, in law or in equity, as they or any of them have, or ſhall, or may have, of, in, to, or out of the perſonal eſtate or effects of the ſaid teſtator, or any part thereof, as if this act had not been made. Saving of rights.

XXVII. *ſect.* 26. This act ſhall be deemed a publick act, in all courts of law and equity, and to all intents and purpoſes whatſoever. Publick act.

Fiſh and Fiſheries.

I. *Stat.* 11 *Eliz. ſeſſ.* 3 *cap.* 4. As great hurt doth daily grow by reaſon that the inhabitants of cities and towns adjoining to rivers that ebb and flow, uſe at low water to ſuffer their ſwine to feed upon the ſtrands of the ſaid rivers, where they deſtroy great quantity of ſalmon and eel fry and ſpawn of divers other good fiſhes, to the great hurt and hindrance of fiſhing, and to the great damage of the common wealth; no perſon ſhall put any ſwine upon any ſtrand of any river to be fed thereupon, nor in any other place where the ſea doth uſually ebb and flow, nor that no perſon do permit their ſaid ſwine to go, or to be ſet to feed upon any ſtrand as far as the ſea doth uſe to ebb and flow, upon pain of forfeiture of the ſwine to ſuch perſons as ſhall ſeize upon the ſame, the one half thereof to be reſerved and anſwered unto the Queen, and the other half to be to the party that ſhall ſeize on the ſame. Putting ſwine on ſtrands.

(2) And if any perſons ſhall reſiſt any ſo ſeizing the ſaid ſwine, upon preſentment thereof made in any of the Queen's ordinary courts, or at any ſeſſions, and in any court of privileges, city or borough, having juriſdiction to receive preſentments, like proceſs ſhall be made upon ſuch preſentment, as upon preſentment of reſcous of diſtreſs for rent at the common law, and the parties Oppoſing ſeizure.

ties thereupon convict ſhall be committed unto the ordinary gaol of that court where he is convicted, until he make fine to the Queen for the ſaid reſcous as ſhall be appointed by the court, and until they pay to the Queen and ſeizer of the ſaid ſwine, the value of the ſwine ſo reſcued, to be appointed by the judges before whom ſuch matter ſhall be adjudged; ſaving to all bodies politick and corporate, and all lords ſpiritual and temporal, the moiety of the forfeitures, fines and penalties to grow by this act, for any offence or offences to be committed againſt the tenor hereof, in as ample manner as they ought to have other forfeitures, fines and penalties by the tenors of their ſeveral charters, and the other moiety to be unto the ſeizers of ſuch ſwine as aforeſaid.

Lands adjoining to fiſhing places.

II. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 24. *ſect.* 1. It ſhall be lawful for watchmen, balkors, huors, condors, directors, and guidors, and all ſuch fiſhermen and other perſons as ſhall neceſſarily attend the ſeans or nets at the time of fiſhing for herrings, pilchards, and other ſean fiſh, within the counties and places where ſuch fiſh ſhall be hereafter taken, to go into, and upon any lands which adjoin unto ſuch fiſhing places fit to watch and balk in, or to draw or carry the fiſh on ſhore, and there to watch for the ſaid fiſh, and to balk, hue, conde, direct and guide the fiſhermen, which ſhall be upon the ſaid ſea and ſea coaſts for the taking of the ſaid fiſh, and to draw the ſaid fiſh on ſhore.

Actions of treſpaſs.

III. *ſect.* 2. If any action of treſpaſs or other ſuit, ſhall be brought againſt any perſons for going on the lands for watching of the ſaid fiſh, or for balking, huing, conding, directing or guiding of the ſaid fiſhermen in their boats upon ſea, for taking or for landing of the ſaid fiſh, the defendants may plead not guilty, and after iſſue tried for the defendants, or non-ſuit of the plaintiffs after appearance, the defendants to recover their damages with coſts, to be aſſeſſed by the jury that ſhall try the iſſue, or elſe by writ to enquire of damages as the caſe ſhall require, for which coſts and damages ſuch defendant ſhall ſue forth ſuch execution as the defendant in a replevin may do. *Eng. Stat.* 1 *Jac.* 1. *cap.* 23.

Taking the fry of eels.

IV. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 14. No perſon with any net, wheel, or other device, or engine, ſhall take any fry, &c. of eels in any water, ſalt or freſh; and no perſons ſhall willingly take or deſtroy by any wheel-net, net of hair, or other engine, angling only excepted, flood-gate, ſalmon-pipe, or at the tail of any mill or weir, or in any rivers or brooks, ſalt or freſh, the young fry of ſalmon, called lakeſpinks, ſmowtes or ſalmon peals.

Stop-nets.

(2) And no perſons ſhall uſe or ſet, or take any ſalmon with any ſtop-nets, ſtill-nets, or ſtanding-nets;

Penalties.

(3) And if any perſons offend in any of the points before rehearſed, ſuch perſons ſhall forfeit for every ſuch offence forty ſhillings and the fiſh, and alſo the unlawful nets and other unlawful engines made, kept, or uſed for taking or deſtroying of the young fry of eels or ſalmon, or ſetting out of the ſaid ſtop-nets, or taking the ſalmon therewith, the one half of the ſaid forfeiture ſhall be to the King, and the other half to him that will ſue for the ſame in any court of record.

Juſtices of aſſizes and ſeſſions.

(4) And the juſtices of aſſizes, and the juſtices of the peace in every aſſize and quarter ſeſſions, ſhall have authority not only to enquire of offences committed contrary to this act, but alſo to hear and determine the ſame, and to inflict due puniſhment by fine, impriſonment or otherwiſe, according to this act.

V. *Stat.*

V. *Stat.* 10 *Will.* 3. *cap.* 8. *ſect.* 1. Every ſtatute in force, for the preſervation of the game, and of the fiſh in the rivers, loughs and ponds, not hereby repealed or altered, ſhall be duly put in execution. *See Tit.* Game. Statutes enforced.

VI. *Stat.* 2 *Geo.* 1. *cap.* 21. *ſect.* 1. No perſon ſhall make, have, or keep any liſter or ſpear for killing of ſalmon, or make uſe of any light upon any freſh water river above the flowing of the tide, nor ſhall make uſe of any nets or other engines for taking ſalmon-fry at any mill-tail, and perſons offending herein, ſhall, for every ſuch offence, forfeit twenty ſhillings, to be levied and diſpoſed of in manner hereafter directed, as alſo ſuch nets employed or made uſe of contrary to this act. Killing ſalmon with lights, &c.

(2) And it ſhall be lawful for any perſon without other warrant than this act, to ſeize any liſter or ſpear proper for killing ſalmon, or wheel-baſket, or engine proper to take ſalmon-fry, although the ſame hath not been made uſe of to that purpoſe, and to carry the ſame before ſome juſtice of the peace of the county where the ſame ſhall be ſeized, who are required to deſtroy the ſame. Seizing engines.

VII. *ſect.* 2. It may be lawful for any perſon, without other warrant than this act, to ſeize and bring before one juſtice of the peace, every perſon whom he ſhall find offending contrary to this act, who *is* empowered upon conviction, by the teſtimony of one witneſs, of any perſon offending in any of the aforementioned particulars, to iſſue their warrants for the raiſing the ſeveral aforementioned penalties upon the goods of the offenders, which penalties when levied, are to be paid to the informer. Seizing offenders.

(2) And in caſe the perſons ſo offending ſhall refuſe or not be able to pay the fine by this act impoſed, the ſaid juſtices ſhall, by warrant under their hands and ſeals, commit ſuch perſon to the houſe of correction or work-houſe, for any time not exceeding one month, there to remain at hard labour, and have due correction, or to be publickly whipt in the next market town the next market day. Not paying penalties.

VIII. *Stat.* 8 *Geo.* 1. *cap.* 7. *ſect.* 21. No perſon ſhall, between the firſt day of Auguſt and the firſt day of February in any year, take any ſalmon with nets or other engines. Times for taking ſalmon.

(2) And if any perſons ſhall offend herein, and be thereof convicted by the oath of one credible witneſs before any juſtice of the peace of the county where ſuch offence ſhall be committed, ſuch perſons ſhall forfeit ſuch nets and other engines, and alſo ſuch boats with the tackle thereto belonging, as they ſhall make uſe of in the taking any ſalmon contrary to this act, and ſhall likewiſe forfeit twenty ſhillings for every ſuch offence, to be levied by diſtreſs and ſale of the offenders goods, by warrant of the ſaid juſtice, which ſeveral forfeitures ſhall be diſpoſed of, one moiety to the informer, and the other moiety to the poor of the pariſh where ſuch offence ſhall be committed. Penalties.

(3) And in caſe a ſufficient diſtreſs cannot be had whereout to levy the ſaid twenty ſhillings, the ſaid juſtice ſhall by warrant commit ſuch perſons to the houſe of correction or work-houſe, for any time not exceeding three calendar months, there to remain at hard labour, and to have due correction, provided that nothing herein contained ſhall extend to prohibit the taking of ſalmon in rivers where ſuch fiſh ſhall be known to be in ſeaſon at the time of taking. Want of diſtreſs.

IX. *ſect.* 22. Perſons ſued for putting in execution any of the powers contained in this act, may plead the general iſſue, &c. and if the plaintiffs ſhall be General iſſue.

be non-ſuited, or judgment ſhall be given againſt them upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts.

This ſtatute is continued until the 29th of September 1769, and to the end of the then next ſeſſion of parliament, by ſtat. 21 Geo. 2. cap. 7. ſo far as it is not altered by the ſeveral acts therein mentioned, which alterations do not relate to this head.

Fiſhing in diſguiſe.

X. *Stat.* 12 *Geo.* 1. *cap.* 7. *ſect.* 1. It ſhall be lawful for any perſons without other warrant than this act, to ſeize and bring before one juſtice of the peace of the county where *the* offences ſhall be committed, ſuch perſons as they ſhall find fiſhing with their faces blacked or diſguiſed, and alſo ſuch perſons as ſhall be found in or near any rivers with their faces blacked or otherwiſe diſguiſed, though ſuch perſons be not actually fiſhing at the time of ſuch ſeizure.

Diſtreſs by warrant.

(2) Which juſtice upon conviction of ſuch offenders, by the oath of one credible witneſs, ſhall by *his* warrant levy by diſtreſs and ſale of the goods of ſuch offenders forty ſhillings, one moiety whereof ſhall be given to the informers, and the other moiety to the poor of the pariſh where ſuch offence ſhall be committed.

Committal.

(3) And in caſe no ſufficient diſtreſſes can be had whereout to levy the ſaid forty ſhillings, the ſaid juſtices ſhall by warrant commit ſuch perſons to the houſe of correction or work-houſe, for any time not exceeding thirty one days, there to remain at hard labour, and to have due correction.

Qualification to keep engines.

XI. *ſect.* 2. No perſons, except ſuch as have an eſtate of freehold in their own or their wives right, of the clear value of forty pounds *per annum*, or a perſonal eſtate of the value of one thouſand pounds over and above all debts, and except ſuch perſons as ſhall be intitled to any fiſhery, or their farmers, and ſuch perſons as ſhall be lawfully employed in the ſame, ſhall for themſelves, or as ſervants to any perſons who ſhall not be ſeized or poſſeſſed of a real or perſonal eſtate to the value aforeſaid, or intitled to any fiſhery as aforeſaid, make, have, or keep any gaffs, ſpears, lyſters, loops, nets, or any other engines or inſtruments, commonly made uſe of to take or kill ſalmon, or ſalmon-fry, although no proof can be made, that they did apply any of them to ſuch uſes.

Penalties.

(2) On pain that all and every ſuch engine and inſtrument ſo kept contrary to this act, as alſo all fiſh found with them, ſhall be ſeized or taken away by any juſtice of the peace of the reſpective counties where the ſame ſhall be kept or found, or by perſons authorized thereunto by warrant of ſuch juſtice, and may be detained by them to their own uſe.

Forfeiture on conviction.

(3) And every perſon ſo having and keeping any ſuch nets or other engine or inſtrument contrary hereunto, and being thereof convicted upon his appearance or default after ſummons, before one juſtice of the peace of the county or place where ſuch offence ſhall be committed, on the oath of one credible witneſs, ſhall, for every ſuch offence, forfeit forty ſhillings, to be levied by warrant of ſuch juſtice before whom ſuch offender ſhall be convicted, by diſtreſs and ſale of the goods of ſuch offender, the one moiety thereof to the informer, and the other moiety to be diſpoſed of to the uſe of the poor of the pariſh where ſuch offences ſhall be committed.

Want of diſtreſs.

(4) And in caſe no ſufficient diſtreſs can be had whereout to levy the ſaid forty ſhillings, the ſaid juſtice ſhall by warrant commit ſuch perſons to the common

common gaol of the county or place where ſuch offence ſhall be committed, there to remain for any time not exceeding thirty one days, unleſs ſuch offender ſhall ſooner pay the penalty ſo forfeited, and upon ſuch payment to be diſcharged.

XII. *ſect.* 3. If any perſons during the months of February, March, April or May in any year, ſhall in any one day take or kill to the number of twelve ſalmon-fry, whether it be by angling or any other way whatſoever, and ſuch perſon ſhall be thereof convicted, upon their appearance or default after ſummons, by the oath of one credible witneſs before any juſtice of the peace of the county, city, or town corporate, where ſuch offence ſhall be committed, every ſuch perſon ſhall forfeit ten ſhillings. Taking ſalmon-fry.

(2) And it ſhall be lawful for ſuch juſtice by warrant to levy the ſaid ten ſhillings by diſtreſs and ſale of the offenders goods, one half thereof to be for the uſe of the informer, and the other to the poor of the pariſh where the ſaid offence ſhall be committed. Warrant of diſtreſs.

(3) And for want of ſufficient diſtreſs it ſhall be lawful for ſuch juſtice by warrant, to commit ſuch offender to the common gaol of the county, city, or place where ſuch offence ſhall have been committed, for any time not exceeding ten days, unleſs ſuch offender ſhall ſooner pay the penalty ſo forfeited, and upon ſuch payment to be diſcharged. Committal.

XIII. *ſect.* 4. It ſhall be lawful for ſuch *as are employed by perſons who are intitled unto, or farmers of any fiſhery*, to walk upon the banks of ſuch rivers *in which ſalmon uſually ſpawn*, not lying within any orchard or garden, in order to apprehend ſuch perſons as ſhall offend againſt this or any other act heretofore made, for the preſervation of the ſalmon fiſhing thereof, and ſuch perſons ſo walking for the purpoſes aforeſaid on any banks of rivers, ſhall not be liable to any action, indictment, or other proſecution for ſo doing, ſo as the perſon ſo employed be authorized by writing under the hand of the owner or farmer of ſuch fiſhery. Walking on banks of rivers.

XIV. *ſect.* 5. Perſons ſued for putting in execution any of the powers contained in this act, may plead the general iſſue, &c. and if the plaintiffs ſhall be nonſuited, or judgment ſhall be given againſt them by default or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts. General iſſue.

XV. *Stat.* 7 *Geo.* 2. *cap.* 11. *ſect.* 1. No drag-net or other ſea-net which hath a maſh of leſs than three inches and a half from knot to knot, ſhall be made uſe of in catching any kind of fiſh, except herrings, pilchards, ſprats, ſhrimps and prawns, upon any part of the coaſt of this kingdom, or within any of the bays, rivers or creeks thereof, nor ſhall any falſe or double bottom cod or pouch, or any other net, though of legal ſize, be placed upon or behind the other, in order to take and deſtroy ſmall fiſh. Maſhes of nets.

(2) And perſons ſo offending, and being thereof convicted upon their appearance or default after ſummons, before one juſtice of the peace of the county or place where ſuch perſons offending have their uſual place of abode, by the oath of one credible witneſs, or by confeſſion of the party offending, ſhall for every ſuch offence forfeit forty ſhillings, to be levied by warrant of ſuch juſtice, before whom ſuch offender ſhall be convicted, by diſtreſs and ſale of the goods of ſuch offender, the one moiety thereof to the perſon who ſhall inform, and the other moiety to be diſpoſed of to the uſe of the poor of the pariſh where ſuch offender lives. Penalties.

Want of diſtreſs.

(3) And in caſe no ſufficient diſtreſs can be had whereout to levy the ſaid forty ſhillings, the ſaid juſtices ſhall by warrant under their hands and ſeals, commit ſuch perſons to the common gaol of the county or place where ſuch offender ſhall be convicted, there to remain for any time not exceeding thirty days, unleſs ſuch offender ſhall ſooner pay the penalty ſo forfeited, upon payment whereof he is to be diſcharged.

Drudging for oyſters.

XVI. *ſect.* 2. No perſons ſhall drudge for oyſters within this kingdom, or in any part of the ſea adjoining to the ſame, between the firſt day of May and the twentieth day of Auguſt in any year.

Penalty.

(2) And if any perſons ſhall offend herein, and be thereof convicted upon their appearance or default after ſummons by the oath of one credible witneſs, before any juſtice of the peace of the county or place where ſuch offender hath his uſual place of abode, ſuch perſons ſhall for every ſuch offence forfeit forty ſhillings, to be levied *and applied in ſuch manner and to ſuch uſes as are directed by the preceding clauſe, as to the forfeitures therein mentioned.*

Barrels for herrings.

XVII. *ſect.* 3. No perſons ſhall buy or ſell any barrels for packing of white herrings for exportation, or ſhall pack up herrings in any barrels for exportation, unleſs the ſame be made of ſtaves, not leſs than three eighths of an inch in thickneſs, and free from ſap, and each barrel bound with ſixteen ſufficient hoops, and branded with the maker's name, and the place of his abode.

Branding veſſels.

(2) And before ſuch barrels ſhall be ſold, they ſhall be examined by a public officer to be appointed for that purpoſe by every city, town corporate or place, which are already empowered to appoint weigh-maſters, which officer to be appointed, or his deputy, ſhall examine ſuch barrels, and upon finding them conformable to this act, the ſaid officer or his deputy, is required to brand on the head, ſide, and bottom of ſuch barrels, the firſt letter of his chriſtian name, and his ſirname at length, with the name of the city, town corporate, or place where ſuch barrels ſhall be examined, which barrels ſo branded, ſhall be only ſold in ſome publick market.

Penalties.

(3) And in caſe any perſons ſhall buy or ſell barrels not branded as aforeſaid, or in any other place than in ſome market town, or ſhall pack up any herrings in any barrels made contrary to the directions of this act, or not branded as is hereby directed, the buyer and ſeller ſhall reſpectively for every barrel ſo ſold or bought, forfeit twenty ſhillings, and the perſons in whoſe cuſtody any herrings are found packed up for exportation in any barrels contrary to the directions of this act, ſhall forfeit twenty ſhillings, which ſeveral forfeitures ſhall be recovered and applied in ſuch manner and to ſuch uſes as other forfeitures herein before mentioned.

Fee for branding.

XVIII. *ſect.* 4. Every weigh-maſter ſhall be paid for every barrel which he ſhall examine and brand as aforeſaid, one halfpenny, to be paid by each ſeller, or other perſons having the property in ſuch barrels, and in caſe of refuſal to pay the ſame, ſuch weigh-maſters who ſhall examine and brand ſuch barrels, may detain ſuch barrels until payment is made.

Partnerſhips for fiſheries.

XIX. *ſect.* 5. If any number of perſons ſhall enter into contracts of partnerſhip, or form ſocieties for the better carrying on of fiſheries in this kingdom by a common ſtock, and if any perſons ſo entering into partnerſhip, or forming a ſociety as aforeſaid, or their executors, adminiſtrators or aſſigns, ſhall neglect or refuſe to pay, after three months notice to be given for that purpoſe, their quota or ſhare towards carrying on the ſaid fiſhery, and defraying the charges incident thereunto, according to the terms of the ſaid partnerſhip or ſociety, and in proportion with the other partners, in ſuch caſe the

the other partners, or the major part of them, may expoſe to ſale, by public cant, the ſhares of ſuch partners, or their executors, adminiſtrators or aſſigns refuſing to pay their ſhare as aforeſaid, and the money ariſing by ſuch ſale, after deducting reaſonable expences, ſhall be paid over unto the perſons who were intitled to ſuch ſhares at the time of the ſale thereof, and the perſon purchaſing the ſame ſhall be intitled to all the benefits thereby ariſing, as if he had been originally a ſubſcriber to the ſaid undertaking.

Time for killing ſalmon.

XX. *Stat.* 31 *Geo.* 2. *cap.* 13. *ſect.* 1. No perſon ſhall, at any time between the twelfth day of Auguſt and firſt day of February in any year, fiſh in any river with any net, fiſhing-rod, or other inſtrument, or carry on the bank of any river, any gaft, loop, net, liſter, or ſpear, or any other inſtrument for killing of ſalmon.

Penalty for offences.

(2) And if any perſon ſhall offend herein, every ſuch offender, being thereof convicted by confeſſion, or by the teſtimony of one ſufficient witneſs upon oath, before ſome juſtice of the peace for the county where ſuch offence ſhall be committed (which oath ſuch juſtice of the peace is required to adminiſter) ſhall for every ſuch offence forfeit five pounds, to be levied by warrant of ſuch juſtice, by diſtreſs and ſale of the offenders goods.

Committal.

(3) And if no ſufficient diſtreſs can be found, the offender ſhall, by the like warrant, be committed to the county gaol, there to remain without bail or mainprize for ſuch time, not exceeding three months, nor leſs than one month, as ſuch juſtice ſhall appoint, unleſs the ſaid forfeiture ſhall in the mean time be paid, in which caſe the offender ſhall be enlarged.

Apprehending offenders.

(4) And it ſhall be lawful for any perſon to apprehend and carry every ſuch offender before the next juſtice of the peace for the county where ſuch offence ſhall be committed, together with ſuch of the ſaid inſtruments as ſhall be found in his hands, without any warrant, other than the authority hereby given.

Farmers of fiſheries.

XXI. *ſect.* 2. Every proprietor or farmer of any ſalmon fiſhery, or other perſon, who ſhall at any time between the twelfth of Auguſt and firſt of January in any year kill or take, or be aiding or abetting, or acceſſary to the killing or taking of ſalmon in any river, being thereof convicted by confeſſion, or by the teſtimony of two ſufficient witneſſes upon oath, before any juſtice of the peace for the county where ſuch offence ſhall be committed (which oath ſuch juſtice is required to adminiſter) ſhall, for every ſalmon ſo killed or taken, forfeit forty ſhillings, to be levied by the warrant of ſuch juſtice, by diſtreſs and ſale of the offenders goods; ſo as ſuch forfeiture, upon any one conviction, do not exceed twenty pounds.

Fiſhing with lights.

(2) Or if any perſon ſhall, in the night-time, from the twelfth day of Auguſt to the firſt day of February in any year, make uſe of any lighted torch, or any light, in any river, banks of a ford, or water-courſe leading to a river, with intention to kill or take ſalmon, being thereof convicted as aforeſaid, ſuch perſons ſhall, for every ſuch offence, forfeit five pounds, to be ſued for and recovered in manner herein before directed, to be paid to the perſons diſcovering the ſame; and the making uſe of any ſuch lighted torch, or any other light, in manner aforeſaid, is declared to be evidence of ſuch intention againſt the perſons on whom the ſame ſhall be found, unleſs the contrary ſhall appear.

Want of diſtreſs.

(3) And if no ſufficient diſtreſs ſhall be found, the offender ſhall, by warrant under the hand and ſeal of the juſtice before whom ſuch offender ſhall be

convicted, be committed to the county gaol, there to remain, without bail or mainprize, for any time not exceeding ſix months, and not leſs than three months.

Exceptions for particular rivers.

XXII. *ſect.* 3. Provided that nothing herein contained, ſhall extend to the rivers Rathmalton, Lackagh Donnegall, Brundouſe, all in the county of Donegall; the river of Sligoe; the river Shannon, from the ſea to the iſland of Saint Thomas, above the ſalmon-wyer, belonging to the city of Limerick; the river Boyn, Lough-Lean, the rivers of Lanne, and Caragh, in the county of Kerry; the river Lee, which runs to the city of Cork; and the river Buſk, in the county of Antrim; the river Newport, in the county of Mayo; and alſo the river Feal, in the county of Kerry; but it ſhall be lawful for any perſons qualified or impowered to fiſh for ſalmon in the ſaid river Feal, to kill and take ſalmon in the ſaid river, from the firſt day of February to the twentieth day of October in every year; and if any perſon ſhall kill or take, or be aiding, abetting, or acceſſary to the killing or taking of ſalmon in the ſaid river, between the twentieth day of October and the firſt day of February in any year, ſuch perſons ſhall for every ſuch offence, be liable to the ſeveral and reſpective penalties herein before mentioned, to be ſued for, and recovered in manner herein before directed.

Taking ſalmon-fry in nets.

XXIII. *ſect.* 4. Every perſon, who ſhall at any time between the firſt day of March and firſt day of June in any year, ſet any nets, cohill-net, cleave, or any other inſtrument or engine, with a pretence to take eels, whereby ſalmon fry may be taken and deſtroyed, or fiſh, or be aiding or abetting, or acceſſary to the fiſhing with any ſet or fixed net, or cohill-net, in any river, or in any lake or water-courſe leading from any river, being thereof convicted by confeſſion, or by the teſtimony of one ſufficient witneſs upon oath, before any juſtice of the peace for the county where ſuch offence ſhall be committed, (which oath ſuch juſtice is required to adminiſter) ſhall, for every ſuch offence, forfeit ten pounds ſterling, to be levied by the warrant of ſuch juſtice, by diſtreſs and ſale of the offenders goods.

Committal.

(2) And if no ſufficient diſtreſs can be found, the offender ſhall, by the like warrant, be committed to the county gaol, there to remain without bail or mainprize for ſuch time, not exceeding ſix months, nor leſs than three months, as ſuch juſtice ſhall appoint, unleſs ſuch forfeiture ſhall in the mean time be paid, in which caſe the offender ſhall be enlarged.

Trial of offences.

XXIV. *ſect.* 5. When any of the offences mentioned in this act, ſhall be committed in or upon any river mearing between two counties, ſuch offence may be proſecuted in either of ſuch counties.

Penalties to the informers.

XXV. *ſect.* 6. The ſeveral forfeitures before mentioned, ſhall go to the firſt informer who ſhall proſecute the reſpective offenders to conviction.

Proſecution in three months.

XXVI. *ſect.* 7. Provided that every proſecution grounded on this act, ſhall be commenced within three calendar months next after the offence committed.

Former laws to continue.

XXVII. *ſect.* 8. Nothing herein contained ſhall repeal any of the laws now in being, relating to the taking of ſalmon or ſalmon fry, but the ſame ſhall continue in full force, as if this act had not been made, ſo as that no perſon ſhall be convicted more than once for the ſame offence.

Fiſhing for herrings.

XXVIII. *ſect.* 9. No perſon ſhall in the day-time (that is to ſay) from ſun-riſe to ſun-ſet, fiſh for, or kill any herrings in any harbour, on any coaſt in this kingdom, by caſting of any net for that purpoſe, under the penalty of forfeiting

forfeiting five pounds for each offence, to be recovered in manner herein before mentioned.

XXIX. *sect.* 10. If any perſon ſhall be ſued for any thing done in purſuance of this act, ſuch perſons may plead the general iſſue; and if the plaintiffs in ſuch ſuit ſhall be nonſuited, or if judgment ſhall be given againſt them upon demurrer, or if a verdict ſhall be given for the defendants, ſuch defendants ſhall have coſts, to be recovered in ſuch manner as where coſts are by law given to defendants. General iſſue.

XXX. *Stat.* 3 *Geo.* 3. *cap.* 24. *ſect.* 1. *Whereas the carrying on and improvement of the fiſheries on the ſeveral coaſts of this kingdom, may be of great advantage to the trade and navigation thereof, and may be a means of employing and providing for great numbers of induſtrious poor, and improvement of his Majeſty's revenue, and a nurſery for ſeamen for the navy of Great Britain, and may likewiſe be a means of preventing the great number of French ſhips and fiſhing boats, which frequently fiſh upon the coaſts of this kingdom; therefore for the encouragement of ſuch perſons as are willing to build buſſes or other veſſels, fit for fiſhing in deep water, and ſalting ſuch fiſh on board as ſhall be taken*; a bounty of twenty ſhillings *per* ton ſhall be paid annually out of his Majeſty's revenues, under the management of the commiſſioners of the revenue, to the owners of ſuch veſſels, or their agents, as ſhall hereafter be built in Great Britain or Ireland, and manned and navigated as by the laws now in force is directed, and hereafter more particularly deſcribed for fiſhing on the coaſts of this kingdom. Recital. Bounty for buſſes.

(2) And every ſuch buſs or veſſel that ſhall be employed in the ſaid fiſheries, or whoſe owners ſhall be intitled to the ſaid bounty of twenty ſhillings *per* ton, by virtue of this act, ſhall be a decked buſs or veſſel, built in Great Britain or Ireland, after the commencement of this act, not under the burthen of twenty tons, nor ſhall the ſaid bounty be paid for more than one hundred tons burthen, and ſhall proceed on the ſaid fiſheries from ſome port in Ireland. *See Par.* XLVI. Veſſels to be decked.

(3) And before ſuch buſs or veſſel ſhall proceed on ſuch voyage, or be intitled to the benefit of this act, ſhe ſhall be viſited by ſuch officers of the revenue belonging to ſuch port, who ſhall be appointed by the commiſſioners of his Majeſty's revenue, or any three of them, to examine into ſuch buſs or veſſel, and who ſhall take an account of the tonnage thereof by admeaſurement, and ſhall certify ſuch their viſitation, examination, and admeaſurement, to the commiſſioners of his Majeſty's revenue, and that ſhe is a proper veſſel to be employed in the ſaid fiſhery. Certificate of the tonnage.

(4) And upon its further appearing by the oath of one or more owner or owners, or their agent, and of the maſter or chief officer of ſuch buſs or veſſel, written at the foot of the ſaid certificate, and made before the collector or comptroller of ſuch port, who are hereby reſpectively required to adminiſter the ſame, that it is really and truly their firm purpoſe, and determined reſolution, that ſuch buſs or veſſel ſhall proceed well manned, furniſhed, and accoutered, to fiſh upon ſome one or more of the coaſts of this kingdom, or within thirty-five leagues of the ſame, and that a journal ſhall be kept of all their proceedings, and an account of the quantities of fiſh which ſhall be taken on each voyage. Oath of owner and maſter.

(5) And if after ſuch certificate had, and oath made as aforeſaid, the owner, maſter, or chief officer of ſuch buſs or veſſel, do produce the journal of their proceedings at the end of each voyage, atteſted by the oath of the maſter or chief Journal of proceedings.

chief officer of ſuch buſs or veſſel, to prove that ſhe was employed in the ſaid fiſhery during the ſeaſon, then all ſuch requiſites being fully performed, ſhall entitle the owners to the ſaid bounty. *See Par.* XLVII.

Taking herrings in the day time.

XXXI. *ſect.* 2. No nets ſhall be ſhot or wet for the taking of herrings in the day-time, under a penalty of five pounds, to be recovered againſt the owners of ſuch net, or of the ſaid buſs or veſſel, and to be levied by diſtreſs and ſale of their goods, by warrant under the hand and ſeal of a juſtice of peace of the county wherein the parties do reſide, and before whom the offence ſhall be proved, by confeſſion, or the oath of two credible witneſſes, which penalty when recovered, ſhall be applied in manner following, (that is to ſay) one moiety thereof to the uſe of the poor of the pariſh, where the perſons ſo forfeiting ſhall reſide, and the other moiety to the uſe of the perſons who ſhall ſue for the ſame. *See Par.* XLVIII.

Fiſhing on Sundays.

XXXII. *ſect.* 3. No nets ſhall be ſhot, nor any boats go out to look for fiſh from ſun-ſet on any Saturday night, until after ſun-ſet on Sunday night immediately following, under the penalty of five pounds, to be recovered and applied in like manner as herein before is mentioned. *See Par.* XLVIII.

Partnerſhips for fiſheries.

XXXIII. *ſect.* 4. If any number of perſons ſhall enter into a partnerſhip, or ſhall hereafter be incorporated by charter or otherwiſe, for carrying on a fiſhery on the coaſts of this kingdom by common ſtock or ſubſcription, and that any of the partners, or their executors or adminiſtrators, ſhall refuſe or neglect to pay their proportion of ſuch ſums of money, as ſhall be called for by the majority of the partners, in ſuch common ſtock or ſubſcription, at the times when the ſame ſhall be appointed to be paid, notice of ſuch call being given in the Dublin Gazette, by the majority of the ſaid partners, at leaſt thirty days before the day appointed for ſuch payment, it ſhall be lawful for the majority of ſuch acting part of the ſaid company, to ſell and diſpoſe of ſo much of the ſhare or ſtock of the perſons ſo neglecting or refuſing, as ſhall produce the ſum which ſuch perſons ought to have paid on ſuch call, and if any overplus ſhall remain, to pay the ſame to the right owners thereof.

Action againſt ſubſcribers.

(2) And it ſhall alſo be lawful for the ſaid acting majority, if ſo minded, to compel the payment by action of debt, plaint, or bill, in any of his Majeſty's courts of law, to be laid or brought in the name of ſaid company, or the governors thereof, againſt the ſubſcribers, their executors and adminiſtrators, of all ſums which ſhall be ſubſcribed to the ſaid fiſhery, or ſuch part thereof as the acting part of the ſaid company ſhall think proper to call in upon a written notice, ſerved upon the ſubſcribing party, of the ſum ſo called for and not paid within one month after the ſame had been due, as if the ſaid ſubſcribers had paſſed their ſeveral bonds for the ſame.

White herrings.

XXXIV. *ſect.* 5. For an encouragement to all perſons whatſoever, as well bodies corporate as politick, as others who ſhall engage in the ſaid fiſheries, there ſhall be paid out of his Majeſty's revenue, under the management of the commiſſioners of the revenue, a bounty of two ſhillings for every barrel containing thirty-two gallons, wherein good, ſound and well cured white herrings ſhall be packed, upon the exportation thereof.

Mackarel.

(2) A bounty of two ſhillings and ſix pence on every barrel of the ſame contents, wherein good, ſound, and well cured mackarel ſhall be packed, upon exportation.

Lyng.

(3) A bounty of five ſhillings for every ſix ſcore of lyng, taken on the coaſts of this kingdom, upon the exportation thereof.

(4) A bounty

(4) A bounty of three ſhillings for every ſix ſcore of hake, haddock, glaſſing, otherwiſe coal-fiſh, and conger eel, taken on the coaſts of this kingdom, upon the exportation thereof. Hake, haddock, &c.

(5) A bounty of four ſhillings and three pence farthing for every tierce, containing forty-one gallons, and ſo in proportion, wherein wet fiſh, well cured, ſhall be packed, upon exportation thereof. Wet fiſh.

(6) A bounty of three pounds *per* ton, for oil extracted from whales, and thirty ſhillings *per* ton for the oil extracted from other fiſh taken on the coaſts of this kingdom, and manufactured therein. Whale and fiſh oil.

(7) A bounty of four pounds a hundred weight for all fins of whales, commonly called whalebone, taken on the coaſts of this kingdom, and manufactured therein. Whalebone.

XXXV. *ſect.* 6. *Whereas there is reaſon to apprehend, that whales may be prevented from frequenting the coaſts, by perſons wantonly ſhooting at them from ſmall boats:* if any perſons in ſmall veſſels not decked, and not belonging to ſome ſhip actually employed in the whale fiſhery, ſhall ſhoot from guns at any whales, they ſhall for every ſuch offence forfeit to his Majeſty the boat in which ſuch offence was committed, together with the penalty of twenty pounds, to be recovered and applied as aforeſaid. *See Par.* L. Shooting at whales.

XXXVI. *ſect.* 7. *To prevent any diſputes which may ariſe, whether a veſſel be properly qualified, and duly fitted out for carrying on a fiſhery, according to the true intent and meaning of this act, and intitled to ſuch certificate, as herein before is mentioned, from the cuſtom-houſe officers*; every ſuch veſſel ſhall be a decked veſſel, built in Great Britain or Ireland, after the commencement of this act, and if but of twenty tons, ſhall have not leſs than ſix men on board; and if of greater burthen, ſhall over and above the ſix men aforeſaid, have one man for every eight tons which ſhall exceed twenty tons burthen. Manning veſſels.

XXXVII. *ſect.* 8. On return of ſuch buſs or veſſel into any port of Ireland for her diſcharge, the chief officer of the cuſtoms, or ſuch other officer of the cuſtoms as he ſhall appoint at ſuch port, ſhall immediately repair on board ſuch buſs or veſſel and view the condition of ſuch veſſel and her lading, and certify the ſame, together with their obſervations thereon, and alſo the real tonnage of the ſaid buſs or veſſel; and the ſaid officers are alſo to take an account of the names of the maſter, and other perſons on board, and to certify the ſame. Certificate of officer.

(2) And the maſter ſhall make oath before the collector or comptroller of ſuch port, who are hereby reſpectively required to adminiſter the ſame, that ſuch veſſel went out to ſea on purpoſe for fiſhing, and for no other purpoſe, and was not on any other voyage, except for the diſpoſal of ſuch fiſh as ſhe had caught, and for any freight ſhe may bring in return for the ſame, nor purſued any other deſign or view of profit; and that the veſſel and crew did remain fiſhing for ſuch a length of time as ſhall be ſpecified in ſaid affidavit, according to the directions of this act, and the number of men herein before directed to be on board the ſaid veſſel. Oath of maſter.

(3) And ſhall likewiſe produce to the officer of the cuſtoms at ſuch port, a journal of their proceedings at ſea, atteſted by the oaths of the ſaid maſter, or other chief officer on board ſuch veſſel, that the ſame contains a true account of all their proceedings; all which certificate, journal, and oath, together with a true account of the quantity, and the particular ſpecies of fiſh taken by the ſaid veſſel, ſhall be tranſmitted by the collector or comptroller of ſuch port, to the commiſſioners of his Majeſty's revenue. Journal of proceedings.

(4) And

Payment of bounties.

(4) And the ſaid commiſſioners being fully ſatisfied of the faithful dealings and tranſactions of the ſaid maſter, and other perſons employed in ſuch veſſels, with reſpect to ſuch voyage and fiſhing, ſhall on demand cauſe payment to be made of the reſpective bounties herein before directed, to be made to the owners of ſuch buſſes or veſſels, or to their aſſigns, out of his Majeſty's revenue under their management, and ſhall direct that a particular and diſtinct account be kept of the ſame.

Oath and bond on exportation.

XXXVIII. *ſect.* 9. The owners of ſuch fiſh as ſhall be taken, according to the directions of this act, ſhall on making a due entry at the cuſtom-houſe, and ſhipping the ſame for exportation, depoſe on oath the port they are deſigned for, and ſhall alſo become bound with two ſufficient ſureties unto his Majeſty, in the penalty of ſuch ſum as ſhall be equal to treble the bounty on the tonnage of his veſſel intended by this act, and alſo treble the value of ſuch bounties as they ſhall receive, or be intitled to by virtue of this act, conditioned not to reland the fiſh, intended to be exported, in any port, haven, or creek, or other places in Ireland, unleſs in caſe of diſtreſs, which ſhall be immediately made known to ſome one or more of the officers of the cuſtoms of the port neareſt to where ſuch veſſel ſhall be ſtranded.

Bonds valid.

(2) Which bond the collector of the port is hereby required to take, and the ſaid bonds are hereby declared to be good and valid in the law, for the ſums reſpectively contained therein, and ſhall be in force for the ſpace of three years, againſt the obligors therein mentioned, their heirs, executors, and adminiſtrators.

Proof by affidavit.

XXXIX. *ſect.* 10. *For preventing any frauds that may be attempted, by claiming any of the aforeſaid bounties for any fiſh carried to foreign markets, which have not been caught upon the coaſts of this kingdom, within the diſtances herein before deſcribed:* no owners of any ſuch fiſh ſhall be intitled to any of the bounties aforeſaid, unleſs ſuch fiſh for which ſuch bounties ſhall be claimed, ſhall be proved by ſufficient affidavit, made before the collector, or other principal officer of ſome port in this kingdom, to have been caught upon the coaſts of this kingdom, within the diſtances herein before deſcribed. *See Par* XLIX.

Certificate of officer.

(2) And the ſaid collector or other officer ſhall then certify under his hand, that the ſaid fiſh was firſt landed in, and then exported from the ſaid port of this kingdom, in which certificate ſhall be ſpecified the quantity and quality of the fiſh ſo exported.

Affidavit of foreign merchant.

(3) And then the affidavit of ſuch foreign merchant, to whom the veſſel was conſigned, made before the chief magiſtrate of the port where he reſides, or a Britiſh conſul, in caſe any ſuch there be, there ſpecifying particularly the quantity and ſpecies of fiſh landed at ſuch foreign market, together with the affidavit of the maſter, or other chief officer of ſuch veſſel on her return to Ireland, made before the collector or comptroller of the port where ſhe ſhall arrive, that he was preſent, and did ſee the foreign merchant (mentioning his name) ſign and ſwear the ſaid affidavit, before the chief magiſtrate of the foreign port, or Britiſh conſul reſiding there.

Bounties to owners.

(4) And upon delivering to the collector of the port in Ireland, where ſuch veſſel ſhall arrive, the ſaid two affidavits, and performing all other the directions of this act, intitle the owners to the ſeveral bounties reſpectively mentioned.

During ſix years.

XL. *ſect.* 11. The bounties hereby allowed and given on conforming to the regulations aforeſaid, ſhall be paid during the ſpace of ſix years from the commencement of this act, and no longer.

XLI. *ſect.*

XLI. *ſect.* 12. Nothing in this act ſhall extend to exclude any of his Majeſty's ſubjects from fiſhing, or carrying on the white herring and other fiſheries, in ſuch manner as they might have done, in caſe this act had never been made. Subjects may fiſh.

XLII. *Stat.* 3 *Geo.* 3. *cap.* 35. *ſect.* 1. *Whereas by an act of parliament paſſed in this kingdom in the thirty-firſt year of the reign of his late Majeſty, to explain and amend the ſeveral laws in this kingdom, for the effectual preſervation of ſalmon fiſh, it is provided, that nothing in the ſaid act contained ſhould extend to the rivers* Rathmelton, Lackagh, Donegal, Bondrouſe, *all in the county of* Donegal; *the river of* Sligo, *the river* Shannon, *from the ſea to the iſland of* St. Thomas, *above the ſalmon wear belonging to the city of* Limerick, *the river* Boyne, Lough, Lough-lane, *the rivers* Lanne *and* Carragh *in the county of* Kerry; *the river* Lee *which runs to the city of* Cork, *and the river* Buſk *in the county of* Antrim, *the river* Newport *in the county of* Mayo, *in which ſaid rivers ſalmon is in ſeaſon throughout the year, but the above-mentioned proviſoe and exception, that nothing in the ſaid act contained ſhould extend to the ſaid rivers, is found very prejudicial to the reſpective proprietors and farmers of the ſaid ſeveral rivers, as they are by the ſaid proviſoe ſo far debarred and prevented from having the benefit of the act for preſerving their mother and ſpawning ſalmon, that the forfeiture cannot be levied of people offending in killing the mother or ſpawning ſalmon in the ſaid reſpective rivers: for remedy whereof,* no perſon except the reſpective proprietors and farmers of the ſaid reſpective rivers and ſalmon fiſheries, ſhall at any time between the twelfth day of Auguſt and firſt day of February in any year, fiſh in any of the ſaid rivers, or in the river Earn, or ſalmon fiſhery of Ballyſhannon, between the twelfth day of Auguſt and the firſt day of May, with any net, rod, or any other inſtrument whereby ſalmon fiſh may be taken or killed, or carry a rod, gaff, loop-net, liſter, or ſpear, or any other inſtrument, whereby fiſh may be killed or taken on the banks of any of the ſaid rivers. Recital. Seaſon for taking ſalmon.

(2) And if any perſon ſhall offend herein, every ſuch offender being thereof convicted by confeſſion, or by the teſtimony of any one credible witneſs upon oath, before ſome one juſtice of the peace for the county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit five pounds, over and above the boat and nets, the ſame to be levied by the warrant of ſuch juſtice by diſtreſs and ſale of the offenders goods, and to be paid to the informers. Penalty on offenders.

(3) And if no ſufficient diſtreſs can be found, the offender ſhall by the like warrant be committed to the county gaol, there to remain without bail or mainprize for ſuch time not exceeding three months, nor leſs than one month, as ſuch juſtice ſhall appoint, unleſs ſuch forfeiture ſhall in the mean time be paid, in which caſe the offender ſhall be enlarged. Committal.

XLIII. *ſect.* 2. *Whereas the ſeveral proprietors and farmers of the ſeveral ſalmon fiſheries within this kingdom in general, are continually diſturbed in the property of their ſaid ſeveral ſalmon fiſheries, and ſuch properties and ſalmon fiſheries deſtroyed by ſeveral perſons on pretence of taking ſmaller and other kinds of fiſh, within the bounds of the ſaid ſeveral ſalmon fiſheries throughout this kingdom in general:* no perſon (except the proprietors and farmers of the ſaid ſeveral ſalmon fiſheries, and their reſpective fiſhermen) ſhall make uſe of any boat, or fiſh with any nets of any kind, that ſhall have a ſole, rope or ropes, with ſinks of any kind thereunto affixed, or make uſe of any other inſtrument for taking Nets with a ſole.

or killing of ſalmon within the limits of the ſaid ſeveral ſalmon fiſheries throughout this kingdom.

Penalty for offences.

(2) And if any (except the ſaid proprietors and farmers, and their fiſhermen by them reſpectively employed) ſhall offend herein, every ſuch offender being thereof convicted as aforeſaid, ſhall forfeit five pounds, together with the boat or boats, net or nets, with all and every other inſtrument made uſe of in committing ſuch offence, the ſame to be recovered and diſpoſed of in manner herein before directed; and the limits and bounds of every ſalmon fiſhery in this kingdom, are hereby deemed and underſtood to be ſuch as have been ſeverally held, poſſeſſed and enjoyed by the reſpective proprietors, and farmers deriving under them, for thirty-one years paſt.

Fiſhery at Sligo.

XLIV. *ſect.* 3. *Whereas the proprietor and his tenants and farmers of the ſalmon fiſhery of Sligo are continually diſturbed in the property of the ſaid ſalmon fiſhery:* no perſon (except the proprietor, his tenants and farmers, of the ſalmon fiſhery aforeſaid) ſhall make uſe of any boat, or of any nets that will have a ſole rope with ſinks affixed thereunto, nor of any other inſtrument wherewith ſalmon may be taken or killed in the ſaid river, from the ſalmon-wear above the town of Sligo, down to the oyſter-iſland.

Penalty on offenders.

(2) And if any perſon ſhall offend herein, every ſuch offender, for every ſuch offence, ſhall forfeit five pounds, together with the boats or nets, and all other ſorts of inſtruments uſed by them in ſuch offence, to be recovered and diſpoſed of in manner herein before mentioned.

Loughfoyle fiſhery.

XLV. *ſect.* 4. *Whereas in the river of Loughfoyle in the counties of Londonderry, Donegal, and Tyrone, ſalmon fiſh in the months of July and Auguſt are known to be in the greateſt plenty and higheſt ſeaſon:* it ſhall be lawful for the proprietors of the ſeveral fiſheries in the ſaid river of Loughfoyle, and for the perſons employed by or acting under them, to continue to fiſh until the firſt day of September in every year henceforward.

Recital.

XLVI. *Stat.* 5 *Geo.* 3. *cap.* 7. *ſect.* 1. *Whereas by an act paſſed in the third year of the reign of his preſent Majeſty king George the third,* for the encouragement of the fiſheries of this kingdom, *it is amongſt other things enacted, that every buſs or veſſel that ſhall be employed in the ſaid fiſheries, or whoſe owners ſhall be intitled to the bounty of twenty ſhillings* per *ton, given by the ſaid act, ſhall be a decked buſs or veſſel: and whereas in many parts of this kingdom, where harbours and ports are contiguous to the fiſhing ground, it may be more convenient to ſalt and cure on ſhore all ſuch fiſh as ſhall be taken, and the veſſels therefore employed in catching and taking ſaid fiſh, are in many places found to be more ſafe and commodious for the fiſhermen on board, by being partly decked and partly open;*

Buſſes partly decked.

it *is* enacted, that the owners of all buſſes or veſſels which have been built ſince the commencement of the act 3 *G.* 3. or that ſhall be built after the commencement of this preſent act, which are in every other reſpect duly qualified according to the directions and the intent and meaning of the ſaid act, although they ſhall be partly decked and partly open, ſhall be intitled to the bounty given by the ſaid act, on compliance with the ſeveral other requiſites in the ſaid act mentioned, or ſuch of them as are not diſpenſed with by this preſent act.

XLVII. *ſect.* 2. *And whereas a doubt has ariſen upon the words of the ſaid act, whether among other requiſites to intitle the owners of ſuch buſs or veſſel to the bounty given by the ſaid act, it may not be neceſſary for the owner, maſter, or chief officer of ſuch buſs or veſſel, to produce the journal of their proceedings at ſea, and*

to

to atteſt the ſame, and for the maſter of ſuch buſs or veſſel alſo to make ſuch oath before the collector of the cuſtoms, as is directed, by the ſaid act, to be made at the end of each voyage, every time that, and as often as, the ſaid veſſel comes into port, in order to land any of the fiſh taken by her off the ſaid port, by which great delay and interruption would be given to the fiſhing buſineſs, and eſpecially to ſuch perſons as are employed therein for the purpoſes of ſupplying the markets of Dublin with fiſh during the times of the fiſhing ſeaſon; for remedy whereof, and for explaining the ſaid act, it *is* declared and enacted, that the producing and atteſting the ſaid journal, and the maſter or chief officer of ſuch buſs or veſſel making ſuch oath before the collector of the port, and the officer of the cuſtoms certifying ſuch matters as are directed by the ſaid act, at the end of the fiſhing ſeaſon, ſhall be ſufficient within the intent and meaning of the ſaid act, for all the purpoſes therein mentioned. End of the fiſhing ſeaſon.

(2) And if any perſon ſhall wilfully ſwear falſely in any oath directed by this act to be taken, or ſhall corruptly procure any perſon to ſwear falſely in any of the ſaid oaths, every perſon being convicted of ſuch offence, ſhall incur all ſuch pains, penalties, and forfeitures, as perſons who commit, or corruptly procure or ſeduce any witneſs to commit wilful or corrupt perjury are now ſubject to by any law or ſtatute now in force in this kingdom. Swearing falſely.

XLVIII. *ſect.* 3. *And whereas the penalty of five pounds, inflicted by the ſaid act upon any perſon who ſhall ſhoot any net for the taking of herrings in the day-time, and alſo the like penalty of five pounds, inflicted by the ſaid act, for any boats which ſhall go out to look for fiſh from ſun-ſet on Saturday night until after ſun-ſet on Sunday night*, have not been found ſufficient to deter perſons from the ſame; it *is* enacted that every perſon who ſhall be guilty of any of the offences aforeſaid, ſhall, inſtead of the ſaid penalties, be ſubject for every ſuch offence to the penalty of ten pounds; and that ſuch penalty may be recovered by any perſon who will ſue for the ſame, within three months next after the offence committed, by civil bill before the juſtice of aſſize, at the aſſizes for the county where ſuch offender uſually lives or reſides, or at the quarter-ſeſſions to be held for the county of Dublin, if ſuch offender uſually reſides there; ſuch penalty, when recovered, to be to the uſe of the perſon ſo ſuing for the ſame. Fiſhing for herrings, &c. Additional penalty.

XLIX. *ſect.* 4. *And whereas a doubt has ariſen upon the words of the ſaid act, whether the bounty payable on the exportation of the ſeveral kinds of fiſh therein mentioned, be payable upon the exportation of any fiſh, ſave only ſuch as are taken on board ſuch buſs or veſſels as are particularly deſcribed in the ſaid act; for removing which doubt*, it *is* declared and enacted, that the ſeveral bounties given by the ſaid act upon the exportation of fiſh, ſhall be payable to the owners of the fiſh upon the exportation of the ſeveral kinds thereof, in the ſaid act mentioned, the ſame being prepared for ſuch exportation, in the manner in the ſaid act directed; provided the ſaid fiſh ſhall have been taken on the coaſts of this kingdom, or within thirty five leagues thereof, in any veſſel whatever. Bounty for fiſh exported.

L. *ſect.* 5. And the penalty of twenty pounds, inflicted by the ſaid act, upon ſuch perſons as ſhall be guilty of ſhooting at whales from boats or ſmall veſſels, not belonging to ſome ſhip actually employed in the whale fiſhery, ſhall and may be recovered by any perſon for his own uſe, who ſhall ſue for the ſame by civil bill, in the ſame manner as the penalties herein before mentioned are appointed by this act to be recovered. Suit for firing at whales.

LI. *ſect.* 6. *And whereas ſeveral doubts have ariſen concerning the true conſtruction and meaning of the clauſe in the ſaid act, for preventing frauds that may be attempted by claiming any of the bounties given by the ſaid act, for fiſh carried* Bounties on fiſh exported.

to foreign markets, which have not been caught on the coasts of this kingdom within the distance in the said act described: for the explaining and amending of the said act, it *is* declared and enacted, that no owner of any fish shall be intitled to the bounties given upon the exportation thereof, except as herein after is mentioned, unless such fish shall be first landed in, and afterwards exported from, some port in this kingdom, and unless such fish, for which such bounty shall be claimed, shall be proved by sufficient affidavit, made before the collector, or other principal officer of the said port; which oath such collector or officer is hereby required to administer, to have been caught on the coasts of this kingdom, within the distance in the said act described.

Certificate of officer.

LII. *sect.* 7. And the said collector or principal officer shall then certify, under his hand, that the said fish was first landed in, and then exported from the said port of this kingdom, and in the said certificate shall also specify the quantity and quality of the fish so exported; which affidavit being so made, and certificate given as aforesaid, the owner of such fish shall, on his performing all the other directions of the said act, be intitled to, and paid, the several bounties respectively given by the said act, upon the exportation of the said fish.

Affidavit of foreign merchant.

LIII. *sect.* 8. *And whereas it may frequently happen, that several of the large busses or vessels employed in the said fisheries, having salted and cured a sufficient quantity of fish for their cargoes at sea, may find it expedient to proceed directly, with such their cargoes, to some foreign market, without touching at any port in this kingdom:* it *is* enacted, that then and in that case, upon an affidavit being made by such foreign merchant, to whom the vessel shall be consigned, before the chief magistrate of the port where he resides, or a British consul, in case any such there be, specifying particularly the quantity and species of fish landed at such foreign port or market.

Affidavit of the master.

(2) And also upon a further affidavit of the master, or other chief officer of such vessel, on her return to Ireland, being made before the collector or other principal officer of the port where she shall arrive, who are hereby required to administer the same, setting forth that all the said fish so landed at the said foreign port or market, was taken upon the coasts of this kingdom, within the distance described in the said recited act, and setting forth that he was present, and did see the foreign merchant, mentioning his name and place of abode, sign and swear the said affidavit before the chief magistrate of such foreign port, or British consul residing there.

Intitled to the bounties.

(3) And upon delivering to the collector of the port in Ireland, where such vessel shall arrive, the said two affidavits, the owners of the fish shall be intitled to, and be paid the several bounties which are respectively given by the said act upon the exportation of the several kinds of fish, therein particularly mentioned.

To be allowed for fourteen years.

LIV. *sect.* 9. All the several bounties by the said act given and allowed, on conforming to all the several regulations in the said act mentioned, which are not altered and dispensed with by this present act, and also to such regulations as are made necessary by this act, shall be paid, for and during the space of fourteen years, from the first day of April 1766, and from thence to the end of the then next session of parliament, and no longer.

Former act in force.

LV. *sect.* 10. Provided that the said act, and every clause and article therein contained, and not herein and hereby altered or repealed, shall continue in full force.

Subjects may fish.

LVI. *sect.* 11. And provided that nothing in the said act, or in this present act shall be construed to extend to exclude any of his Majesty's subjects from fishing

fishing or carrying on the white herring and other fisheries, in such manner as they might have done in case this act had never been made (the cases before mentioned where penalties are inflicted only excepted.)

LVII. *Stat.* 7 *Geo.* 3. *cap.* 20. *sect.* 10. Four men for the first twenty tons, and one man for every eighty tons exceeding twenty tons shall be deemed a sufficient number to be employed on board vessels during fishing season to entitle the owners to the bounty, who shall in all other respects comply with the requisites in 3 G. 3. c. 24. & 6 G. 3. c. 7. Number of men to entitle owners to bounty.

LVIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 1. *sect.* 9. Tax of one shilling per barrel on all herrings imported paid to Dublin Society to be applied to encouragement of fisheries in the North West. 1s. per barrel on herrings imported.

LIX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 41. *sect.* 12. If any person shall, after the first of June next, take or destroy any fish whatsoever in the bay of Dublin, by trawling, such persons shall, on due proof before any one or more justices of the county or county of city of Dublin, forfeit and pay ten pounds, together with the boat or vessel so employed in trawl fishing, with all her tackle, sails, and rigging, together with such fishing trawls and geer made use of in such trawling; said sum to be levied by distress and sale of goods of persons so offending; one moiety to the use of the marine society, the other to such person or persons who shall inform and prosecute to conviction the persons found guilty of trawling as aforesaid. Trawling in Dublin Bay, penalty 10l. with the boat and tackle; the 10l. to marine society and prosecutor.

LX. *sect.* 13. And whereas trawling in said bay has been practised frequently by many revenue officers, any such officer transgressing said act in vessels, whether belonging to the revenue, or otherwise, upon conviction thereof before one or more justices of the county, or county of city of Dublin, shall forfeit, in like manner, twenty pounds, together with the trawl and tackling belonging thereto; recovered and applied in manner aforesaid; which penalties and forfeitures to be in force to the 24th of June 1778, and to end of then next sessions. Revenue Officers forfeit 20l. penalties in force to 24 June 1778, &c. continued to 1790.

LXI. *Stat.* 15 & 16 *Geo.* 3. *cap.* 19. *sect.* 1. Whereas the fisheries by subjects of his Majesty's dominions in Europe have been found the best nurseries for able and experienced seamen, always ready to man the royal navy when occasions require, and it is of the highest national importance to give all due encouragement to said fisheries, and secure the annual return of fishermen, sailors, and others employed: to promote these important purposes and with a view first to induce his Majesty's subjects to proceed early to the banks of Newfoundland, and thereby prosecute the fishery to greatest advantage, after the first of January, 1776, the respective bounties after mentioned shall be paid and allowed annually eleven years for a certain number of ships or vessels employed in the British fishery on the banks of Newfoundland, under the limitations and restrictions after mentioned; such vessels as shall appear by their register to be British built, and owned by his Majesty's subjects residing in Great Britain or Ireland, and of burthen of fifty tons or upwards, and navigated with no less than fifteen men each, three fourths, besides the master, his Majesty's subjects, and in other respects qualified and subject to the same rules and restrictions, as by an act in Great Britain tenth and eleventh William the third, *to encourage the trade* Recital. Bounties 11 years from 1 Jan. 1776, requisites to entitle.

to

to Newfoundland, and ſhall be fitted and cleared out from ſome port in Ireland, after the 1ſt of January, 1776, and after that day in each ſucceeding year, and ſhall proceed to the banks of Newfoundland, and having catched a cargo of fiſh upon thoſe banks, conſiſting of no leſs than ten thouſand by tale, ſhall land the ſame at one of the ports on the ſouth eaſtern ſide of Newfoundland, between Cape Ray and Cape de Grat, on or before the fifteenth of July every year, and ſhall make one or more trips at leaſt to ſaid banks, and return with another cargo of fiſh catched there to the ſame port; in which caſe the twenty five of ſaid ſhips firſt arriving at ſaid iſland of Newfoundland from the banks with a cargo of fiſh catched there, conſiſting of ten thouſand by tale, at leaſt, and after landing the ſame at one of the ports within the limits before mentioned in Newfoundland, ſhall proceed again to ſaid banks, and return to ſaid iſland with another cargo of fiſh, ſhall be entitled to forty pounds each; and fifty veſſels, which ſhall ſo arrive next in order of time, on or before the fifteenth of July each year at ſaid iſland, with a like cargo, and ſhall proceed again to the ſaid banks, and return in manner before mentioned, ſhall be entitled to twenty pounds each; and fifty other veſſels, which ſhall ſo arrive the next in time, on or before fifteenth of July in each year at ſaid iſland with like cargo, and proceed again to ſaid banks, and return in manner before mentioned, ſhall be entitled to ten pounds each; upon the maſter or owner of ſuch veſſels producing to collector at the port in Ireland, from whence ſuch veſſel cleared out, a certificate under hand and ſeal of the governor of Newfoundland, that the maſter had produced to him a certificate under hands of the collector and comptroller of cuſtoms at the port from whence ſuch veſſel cleared out, teſtifying that ſuch veſſel was duly qualified to proceed on ſuch fiſhery in purſuance of the act tenth and eleventh of William the third; and that it has been made appear to his ſatisfaction by a certificate under hand and ſeal of the naval officer of the diſtrict in Newfoundland, where ſuch fiſh was landed, or, where no naval Officer, under hand and ſeal of the commander of any of his Majeſty's ſhips ſtationed there, or of ſuch officer as the governor ſhall approve, ſpecifying the time of ſuch veſſel's arrival in manner before directed, that ſuch veſſel was intitled by the priority and time of her arrival to one or other of the bounties therein mentioned, as the fact may be, and that the maſter and mate of ſuch veſſel had made oath before ſuch naval or other officer, that the number of fiſh taken on the firſt trip amounted to ten thouſand at leaſt by tale, and that all the fiſh on both trips were catched on the banks of Newfoundland, and upon delivering up ſaid certificate to ſuch collector, the reſpective bounties therein mentioned ſhall be paid by ſuch collector out of any money remaining in his hands, being part of his Majeſty's revenues; and in caſe ſuch collector ſhall not have ſufficient money in his hands, he ſhall certify the ſame to the chief commiſſioners in Dublin, who are hereby authorized and required to order the ſame to be paid by collector of Dublin out of any money in his hands, ariſing from his Majeſty's revenues as aforeſaid.

catching 10000 fiſh by tale; landing between cape Ray and De Grat, by 15 July, making a ~~trip~~ and returning with another cargo; the firſt 25 ſhips intitled to 40l. each,

the next 50 to 20l. each,

next 50 to 10l. each,

bounties paid by collector on delivering up certificate,

or, on his certificate to commiſſioners, by their order to collector of Dublin.

LXII. *ſect.* 2. After the firſt of January, 1776, during ſaid eleven years, it ſhall be lawful for any perſon to import and export any train oil, or blubber of fiſh, or other creatures living in the ſea, or whale fins, or any raw and undreſſed ſeal ſkins, taken in any part of the ocean by crews of veſſels belonging to and fitted out either from Great Britain, Ireland, Guernſey, Jerſey, or Man, reſpectively, and whereof the captain or maſter, and three fourths at leaſt are his Majeſty's ſubjects, or by perſons employed by maſters

Train oil, blubber, whale fins, raw ſeal ſkins imported or exported without duty,

the captain and 3-4ths ſubjects, imported in ſhips of ſubjects.

maſters or owners of ſuch veſſels, and imported in ſhips or veſſels truly and properly belonging to his M jeſty's ſaid ſubjects, without paying any cuſtom, ſubſidy, or other duty for the ſame; any law or uſage to the contrary notwithſtanding.

Trawling between eaſt point of Howth and of Lamb-bay, penalty 10l. with the veſſel, tackle, geer, &c.

LXIII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 31. *ſect.* 1. If any perſon after the 25th of March 1776, take or deſtroy any fiſh whatſoever in the broad of Lamb-bay, between the eaſt point of the hill of Howth and the eaſt point of the iſland called Lamb-bay, by trawling, ſuch perſon ſhall, on due proof before any one or more juſtices of the county, or county of the city of Dublin, forfeit ten pounds, together with the boat or veſſel employed in ſuch trawl-fiſhing, with all her tackle, ſails, and rigging thereunto belonging, with ſuch fiſhing-trawls and geer made uſe of in ſuch trawling; ſaid ten pounds to be levied by diſtreſs and ſale of the goods of the perſon ſo offending, one moiety to uſe of the Marine Society, the other to ſuch perſons as ſhall inform and proſecute to conviction the perſon found guilty of trawling as aforeſaid.

by diſtreſs and ſale to marine ſociety and proſecutor.

No duty on fiſh cured here exported.

LXIV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 8. *ſect.* 30. After firſt September 1778, during this act, no duty whatſoever ſhall be paid for any fiſh cured in this kingdom upon exportation thereof.

No drawback on export of fiſh imported.

LXV. *ſect.* 31. After 24th June 1779, during this act, no drawback of any duties allowed upon exportation of fiſh imported.

Recital,

LXVI. *Stat.* 17 & 18 *Geo.* 3. *cap.* 18. *ſect.* 1. Whereas a valuable whale-fiſhery has lately been diſcovered ſouthward of forty four degrees north, and the commons in parliament on 26th March 1776 did come to ſeveral reſolutions, viz. that the extenſion of the whale fiſhery was highly deſerving encouragement; that the moſt effectual means would be by bounties upon ſhips employed to ſouthward of the limits, in which the whale fiſhery at preſent encouraged, granted for a number of years certain, and payable in proportion to their tonnage; that an addreſs ſhould be preſented to grant a bounty of forty ſhillings per ton; that your commons would make good the ſame: after firſt of Auguſt next, in lieu and ſtead of bounties granted by his Majeſty, the bounties after mentioned ſhall be paid and allowed under the ſeveral rules and reſtrictions expreſſed; every Britiſh or Iriſh ſhip or veſſel, that ſhall within the time limited by this act, proceed from any port of Ireland on the whale fiſhery to any ſeas wherein the whale fiſhery uſually carried on ſouth of latitude forty four degrees north, manned and navigated by crews whereof the captain or maſter and three fourths at leaſt of the mariners Britiſh ſubjects, ſhall, before ſhe proceed on ſuch voyage, or be entitled to benefit of this act, be viſited by proper officer or officers of revenues belonging to ſuch port, who ſhall examine into ſuch ſhip or veſſel, and take account of the tonnage by admeaſurement, and certify ſuch viſitation, examination, and admeaſurement, to chief commiſſioners of revenues; and if it appear by certificate of ſuch officers, that ſhe hath on board ſuch a number of men, proviſions, boats, fiſhing lines, and inſtruments to be uſed in ſuch fiſhing, as after mentioned, ſtrongly built, and otherwiſe a proper ſhip for ſuch voyage and fiſhery, and hath on board among her crew a ſufficient number of harpooners, ſteerſmen, line-managers, before employed in ſuch voyages (the names of ſuch perſons

bounties in lieu of thoſe granted; Britiſh or Iriſh ſhips in Iriſh port on whale fiſhery to ſouth of 44 degrees N. the captain and 3-4ths Britiſh, firſt viſited by revenue officers,

tonnage admeaſured and certified,

certificate of number of men, proviſions, harpooners, &c.

the names inſerted,

and oath of owners and maſter to proceed forthwith ſo manned and accoutred to ſouthward of 44 degrees N. to take whales, &c. and no other deſign, and import to ſuch a place in Ireland,

ſons in ſuch certificate); and if it further appear by oath of one or more owners, and of the maſter or chief officer of ſuch ſhip, at the foot of ſuch certificate, and made before collector or comptroller of ſuch port (who are required to adminiſter) that it is really and truly their firm purpoſe and determined reſolution, that ſuch ſhip ſhall, as ſoon as licence granted, forthwith proceed, ſo manned, furniſhed, and accoutred, on a voyage to the ſouthward of forty four degrees north in ſuch ſeas as in ſuch oath expreſſed, and there in the then approaching ſeaſon to uſe the utmoſt endeavour of themſelves and ſhip's company to take whales or other creatures living in the ſea, and on no other deſign or view of profit in ſuch voyage, and to import the whale fins, oil, and blubber into this kingdom (naming the port to which it is their intention to return) and if the maſter after ſuch certificate and oath do alſo become bound with two ſufficient ſureties unto his Majeſty, in penalty of ſuch ſum as equal to treble the bounty intended by this act, (which bond ſaid collector, with approbation of comptroller is required to take, and is to be in force for three years againſt the maſter and ſureties) for faithful dealing of ſaid maſter and ſhip's company, in regard to ſaid ſhip and voyage, it ſhall be lawful for any three or more of chief commiſſioners of revenue, on receiving ſuch certificates and oaths, and being certified by collector and comptroller of ſuch port, that ſufficient ſecurity hath been given as aforeſaid, to give and grant, and they are required to give and grant, to maſter and owners of ſuch ſhips, full licence and authority to proceed on ſuch voyage.

and bond with 2 ſureties equal to treble the bounty, bond in force three years,

3 commiſſioners may licenſe to proceed on voyage.

Ships 200 tons to have 40 lines of 120 fathoms, 40 harpoons, 4 boats, 6 men each, 6 months proviſions,

larger ſhips an increaſe,

an apprentice for 3 years every 50 ton.

LXVII. *ſect.* 2. To prevent diſputes whether a ſhip be properly qualified and fitted out; every ſhip of the burthen of two hundred tons deſigned for this fiſhery ſhall have on board forty fiſhing lines of one hundred and twenty fathom each, forty harpoon-irons, four boats with ſix men including a harpooner, a ſteerſman, and a line-manager to each boat, making in the whole twenty four men, beſides the maſter and ſurgeon, with ſix months proviſions at leaſt for ſuch number; and every ſhip of larger burthen an increaſe of ſix men, one boat, ten ſuch lines, and ten harpoon-irons more for every fifty tons above ſaid two hundred tons, together with proviſions in proportion; and every ſhip ſo employed in ſaid fiſhery ſhall have on board an apprentice indentured three years at leaſt, for every fifty tons burthen, which ſhall be accounted as one of the number of men required on board ſuch ſhip.

Officers immediately on return to view ſhip and lading, and certify, with tonnage, and perſons names in ſchedule; oath by maſter and mate upon or annexed to licence;

LXVIII. *ſect.* 3. On return to the port to which the maſter and mate declared on oath their intention to return, the proper officers of revenue ſhall immediately repair on board, and view the condition of ſhip and lading, and certify the ſame, with their obſervations, as alſo the real tonnage; and take account of ſchedule of names of maſter, mate and perſons aboard, diſtinguiſhing harpooners and perſons more immediately employed in fiſhery, and certify the ſame; and the maſter and mate ſhall make oath before collector and comptroller on the back of or annexed to the licence granted as aforeſaid, (which they are then to deliver up) that they did in purſuance thereof, mentioning the day of departure, proceed on a voyage directly to the places aforeſaid, and have not ſince been on any other, or purſued any other deſign or view of profit; and did there (mentioning time of their ſtay on thoſe ſeas) uſe the utmoſt endeavour of themſelves and ſhip's company to take whales and other creatures living in thoſe ſeas, and all the whale fins, oil and blubber imported, if any in ſuch ſhip, was really and *bona fide* caught

and

and taken in ſaid ſeas by the crew of ſuch ſhip only, or with aſſiſtance of the crew of ſome other Britiſh or Iriſh ſhip licenſed for that voyage, purſuant to this act; all which ſchedule, certificate, licence, and oath ſhall be tranſmitted by collector and comptroller of ſuch port to chief commiſſioners of revenues in Dublin; and ſuch commiſſioners fully ſatisfied of faithful dealings of the maſter, and perſons employed with reſpect to ſuch voyage and fiſhery, ſhall on demand cauſe payment to the maſter or owners, or aſſigns, by collector of Dublin, the bounty or premium following, according to admeaſurement of ſuch ſhip, duly certified, for every ſuch ſhip on ſaid fiſhery, from 1ſt of Auguſt next, to 1ſt Auguſt 1784, forty ſhillings per ton, and from 1ſt Auguſt 1784, to 1ſt Auguſt 1790, thirty ſhillings per ton.

the whole tranſmitted to commiſſioners;
bounty paid to maſter or owners by Dublin collector;
by admeaſurement certified;
from 1ſt Aug. next to 1 Aug. 1784, 40s. per ton,
to 1 Aug. 1790, 30s.

LXIX. *ſect.* 4. Provided no perſons allowed the bounty for any ſhip which ſhall proceed upon ſaid whale fiſhery from any port of this kingdom, after 1ſt Auguſt next, unleſs ſuch ſhip ſhall ſail, when ſurveyed and cleared, directly on her intended fiſhery, on or before firſt October following and continue with her crew in ſaid ſeas, diligently endeavouring to catch whales or other creatures living in thoſe ſeas, and ſhall not depart thence before 1ſt of March following, unleſs laden with blubber and fins of one whale caught by the crew, or with aſſiſtance of the crew of ſuch other licenſed ſhip before that time, or forced by unavoidable accident or neceſſity to depart ſooner from thoſe ſeas; which ſhall be verified on oaths of maſter and mate upon her return before the collector and comptroller of cuſtoms at the port where ſhe ſhall arrive, who ſhall tranſmit the ſame, with the ſchedule, licence, and other documents required, to chief commiſſioners of revenues.

To ſail by 1 Oct. and continue there, till 1 Mar. unleſs laden with blubber and fins of one whale caught, or forced to depart ſooner;
verified on oaths, tranſmitted with documents.

LXX. *ſect.* 5. Commiſſioners of revenues ſhall at beginning of every ſeſſion lay before both houſes an account in writing of number of ſhips employed in whale fiſhery, with reſpective names and burthens, from whence fitted out, and at what port diſcharged, and what quantity of oil or whale fins each imported.

Commiſſioners to certify both houſes at beginning every ſeſſion, number of ſhips, &c.

LXXI. *ſect.* 6. Owners of ſhips under two hundred tons, employed in ſaid fiſhery, and provided with ſailors, boats, lines, and harpoons, in ſame proportion to the number of tons as is provided for ſhips of two hundred tons and upwards, and who have otherwiſe conformed in all reſpects to directions preſcribed to owners of ſhips of two hundred tons intitled to ſaid bounty according to admeaſurement of ſuch ſhips.

Like bounty for ſhips under 200 tons by admeaſurement.

LXXII. *ſect.* 7. Provided no ſhip employed in ſaid fiſhery, although above four hundred tons, intitled to a larger bounty than a ſhip of four hundred tons would be.

If above 400, no larger bounty.

LXXIII. *ſect.* 8. Provided nothing herein ſhall oblige the owner of any ſhip above four hundred tons, in order to entitle to ſaid bounty, to fit out, equip, and man any ſuch ſhip, otherwiſe than as a ſhip of four hundred tons only, as by this act required to be fitted out, equipped and manned.

Not obliged to fit out otherwiſe than as of 400 tons.

LXXIV. *ſect.* 9. Owners of any ſhip employed or deſigned to be employed in ſaid fiſhery, to inſure the bounty which ſuch owners would be entitled to, upon return of ſuch ſhip to the port to which the maſter and mate have declared upon oath their intention to return, and on performance of all other matters, directed and appointed by this act for obtaining ſaid bounty.

LXXV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 19. *ſect.* 1. After 24th June 1778, no perſons whatſoever not qualified, except as herein mentioned, ſhall have, keep, or uſe any net, leape, piſche, gaff, ſpear, or lyſter, or other engine, boat

None (not qualified to keep or uſe net, engine, &c. (angling excepted)

ſave makers or ſellers, and river owners;

boat or curragh, (angling rods with lines and hooks excepted) other than makers or ſellers thereof, and owners of rivers, or parts of rivers, for the time being; and it ſhall be lawful for any owner of any river or fiſhery, or of part, and every perſon by owners appointed, to ſeize, detain, and keep to their own uſe every ſuch cott, boat, curragh, or float, net, leape, pyſche, gaff, ſpear, or lyſter, and other engine for catching of fiſh, except as before, which they ſhall find uſed or laid, or in cuſtody or poſſeſſion of any perſons whatſoever not qualified as herein mentioned, fiſhing in any river, or inland fiſhery, lake, or inland water whatſoever, without the conſent of owners under their hand, and for any perſons whatſoever authorized by warrant under hand and ſeal of any juſtice of peace of the ſame county, or county of city or town, in day time to ſearch houſes, outhouſes, or other places of any perſon hereby prohibited to have, keep, or uſe the ſame, as ſhall be ſuſpected to have or keep in poſſeſſion or cuſtody any boat or curragh, net, leape, piſche, gaff, ſpear, or lyſter, or other engine, except as before, and the ſame and every or any of them to ſeize, detain, and keep, to their own uſe, or otherwiſe to cut in pieces and deſtroy as things by this law prohibited to be kept by perſons of their condition.

owners of river or fiſhery and thoſe appointed may ſeize and keep the ſame;

where fiſhing without conſent under hand;

houſes, &c. of thoſe prohibited ſearched by day on warrant;

engines, &c. ſeized, kept, or deſtroyed.

LXXVI. *ſect.* 2. If any perſons after 24th June 1778, kill, take, or deſtroy any carp, tench, bream, roach, perch, eel, pike, trout, cray fiſh, or any other fiſh, in or out of any pond, pool, canal, or ſtew, wherein kept, and wherein they have no property, without conſent or licence of owners, and thereof convicted on oath of one credible witneſs before one juſtice of the county or juriſdiction where the fact committed, ſhall forfeit for every ſuch offence not leſs than five pounds, nor more than ten pounds at diſcretion of ſuch juſtice; which forfeiture ſhall go to informer, proſecutor, or other perſons, as the owner of ſuch pond or ſtew ſhall chooſe, levied by diſtreſs and ſale of goods and chattles of ſuch perſon offending, by warrant of ſuch juſtice, and for want of ſuch diſtreſs offender committed to county gaol, without bail or mainprize not exceeding ſix nor leſs than three calendar months, as his committal by ſuch juſtices ſhall ſpecify.

To take or deſtroy without licence any fiſh in pond, pool, canal, or ſtew, wherein no property, penalty not under 5l. nor above 10l.

application.

LXXVII. *ſect.* 3. Any perſon whatſoever, convicted on oath of one credible witneſs before any juſtice of peace of the county or juriſdiction where offence committed, of fiſhing by night with lights, or boats, curraghs, cotts, or floats, with ſpears, nets, ſnares, gins, or any engine whatſoever (except rods and lines) ſhall forfeit not more than five pounds nor leſs than two pounds, at diſcretion of ſuch juſtice, to be levied off goods and chattles of offender, by warrant of ſaid juſtice, which forfeiture ſhall be paid to informer or proſecutor: in caſe no diſtreſs found, ſuch offender committed to county gaol without bail or mainprize, not exceeding ſix nor leſs than three calendar months, as his committal by ſuch juſtice ſhall ſpecify.

Fiſhing by night with lights, engines, &c. (ſave rods and lines)

not above 5l. nor under 2l.

to informer.

LXXVIII. *ſect.* 4. No perſon whatſoever ſhall throw or empty any waſte, dye ſtuffs, lime, flax, hemp, or other kind of noxious or poiſonous ſubſtance into any river; and if any ſo offend, they ſhall forfeit for every offence five pounds, levied off goods and chattles of offender, recovered as the other penalties by this act, one moiety to the poor of the pariſh wherein offence committed, the other to the firſt real informer; and in caſe no diſtreſs ſufficient to anſwer can be found, offender committed to the county gaol without bail or mainprize, not exceeding three calendar months, as his committal by ſuch juſtice as adjudge ſaid penalty ſhall ſpecify.

No noxious ſubſtance thrown into river;

penalty 5l. to the poor and 1ſt real informer;

or impriſoned not above 3 months

LXXIX. *ſect.*

LXXIX. *sect.* 5. No person whatsoever shall kill, take, or destroy any trout by dams or fish houses, commonly called fish ponds, nets, or other engines, (angling excepted) from 1st October to 1st of January; and every person so offending shall forfeit five pounds each offence; half to poor of the parish wherein offence committed, the other to informer; recovered or levied in manner before mentioned; and in case no distress sufficient to answer found, offender committed to county gaol without bail or mainprize, not exceeding three calendar months, as his committal by such justice, as shall adjudge said penalty, shall specify.

Trout not taken, except angling, from 1 Oct. to Jan. penalty 5l.

to poor and informer,

or imprisoned not above 3 months.

LXXX. *sect.* 6. In the river Bandon proprietors of fisheries, their heirs or assigns, shall have liberty from 20th March to 20th October to take with nets, or any other legal manner, all such salmon fish, without incurring any penalty by any former act.

Salmon taken in the Bandon from 20 Mar. to 20 Oct.

LXXXI. *sect.* 7. Whereas the fisheries of Loughneagh, Lougherne, and of other loughs, and of the several rivers flowing thereto and therefrom, are injured by large draught nets with ground ropes and sinkers, from 25th August to 25th December, by persons pretending to fish for pollens: it shall not be lawful for any persons on any pretence whatsoever to fish with draught or other nets in said loughs or rivers, or any of them, or any bays thereof, from 12th August until 1st January; and if any herein offend, and convicted by oath of one or more credible witnesses before any justice, shall forfeit the nets and other implements used, and also five pounds for every such offence, which said justice is empowered to levy by warrant; and for want of distress shall commit each of the offenders to prison, not exceeding six months.

None to fish with nets from 12 Aug. till 1 Jan. in Loughneagh, Lougherne, and other loughs, the rivers and bays;

nets and implements forfeited, and 5l.

if no distress, imprisonment not above 6 months.

LXXXII. *sect.* 8. Whereas great quantities of salmon fry are obstructed from returning to the sea, and destroyed at the tails of mill streams by dams and obstructions across the streams under the water wheels of said mills: if any such dams or obstructions are discovered, or any implement or instrument used at said places to obstruct or destroy the salmon fry, the proprietor, miller, or principal acting person of such mill, where such dams or obstructions made, or implements found, shall, on proof thereof by one or more credible witnesses, before any justice, forfeit five pounds, recovered as other penalties in this act.

Mill-dams or obstructions to destroy salmon-fry discovered;

miller forfeits 5l.

LXXXIII. *sect.* 9. If any constable or officer, to whom justices are by this act directed to issue warrants, refuse or delay to execute, the justices are empowered to fine for every such offence not exceeding five pounds, levied by distress and sale of offender's goods; and for want of sufficient distress, to commit to prison not exceeding three months; the said fine to be levied by a special constable, bailiff, or peace officer appointed by the justice for that purpose.

Officers not executing warrants.

LXXXIV. *sect.* 10. All nets for taking herrings, salmon, or any sea fish, and all fishing lines cured after passing this act, shall be cured with tar and oil, and not barked or tanned, under penalty of forfeiture of all such nets to informer, upon conviction before a justice of peace.

Sea-fish nets, and all fishing-lines cured with tar and oil,

or forfeited.

LXXXV. *sect.* 11. All nets found tanned, and not tar and oil cured, the proof shall lie on owner, that they were made prior to passing this act, or made and cured before brought to the west or north west coast; in failure of such proof, all such nets forfeited as aforesaid.

Proof on owner.

LXXXVI. *sect.* 12. In case any fisherman, net maker, or other persons found barking any tree for tanning nets, or any other purpose, clandestinely, or without proper authority, such offender shall for every offence forfeit five pounds,

Barking trees for tanning nets or other purpose, 5l.

pounds, recoverable before a juſtice upon oath of one credible witneſs, wholly to uſe of informer, and in default of payment be committed by a juſtice's warrant to county gaol, not exceeding ſix months, unleſs ſaid forfeiture paid ſooner: provided no perſon ſhall be convicted of any offence againſt this ſtatute, unleſs the proſecution commenced within three calendar months after ſuch offence alledged to be committed.

profecution in 3 months.

Appeal to next quarter ſeſſions, on recognizance and 2 ſureties 10l. each;

if affirmed, legal fees, and coſts and reaſonable charges.

LXXXVII. *ſect.* 13. Provided it ſhall be lawful for any, convicted before ſuch juſtice of any offence againſt this ſtatute, to appeal to next general quarter ſeſſions for the county or juriſdiction where offence committed; ſuch perſon entering into recognizance before ſuch juſtices, with two ſufficient ſecurities in ten pounds each, that the perſon ſo convicted ſhall appear at ſuch quarter ſeſſions, and abide by judgment of the court; and in caſe ſuch judgment affirmed at ſaid quarter ſeſſions, ſuch two ſureties, or one of them, ſhall pay, over and above forfeiture adjudged, the uſual and legal fees unto ſuch officers of the court as entitled, and morever unto proſecutor ſuch coſts and reaſonable charges as the court think fit, to make amends for the trouble and expence in attending ſuch appeal.

Fiſhermen and apprentices with lawful nets and engines not reſtrained.

LXXXVIII. *ſect.* 14. Provided this act ſhall not abridge any fiſherman, or his apprentices lawfully authorized, to fiſh in navigable rivers or waters with lawful nets and engines, but every of them may, according to laws and orders made and to be made for good order, rule, and government of ſuch navigable rivers and waters, uſe the trade of fiſhing, as they lawfully might before this act.

General iſſue, and ſpecial matter in evidence; and treble coſts to defendants.

LXXXIX. *ſect.* 15. Provided if any perſons whatſoever ſued or proſecuted for any thing in purſuance of this act, it ſhall be lawful to plead the general iſſue, and give the ſpecial matter in evidence; and if verdict for defendant, or plaintiffs nonſuit or ſuffer any diſcontinuance, defendants ſhall have treble coſts, for which like remedy, as in other caſes where coſts to defendants.

Continuance from 24 June 1778, ſeven years, &c.

XC. *ſect.* 16. This act ſhall continue in force from 24th June 1778 ſeven years, and until end of then next ſeſſion, and no longer.

Free liberty to fiſh for, take, buy, or cure all white fiſh at all times and ſeaſons.

XCI. *Stat.* 17 & 18 *Geo.* 3. *cap.* 20. *ſect.* 1. Whereas the extending and improving the fiſheries is of great importance, as it not only adds to the national wealth, but may prove a fruitful nurſery of able ſeamen to the fleet of Great Britain: it ſhall be lawful for the inhabitants of this kingdom at all times and ſeaſons, when they think proper, freely to fiſh for, take, buy from fiſhermen, and cure any herrings, cod, and ling, or other ſort of white fiſh, in all and every part of the ſeas, channels, creeks and bays, whereſoever ſuch fiſh found, or may be taken on the coaſts; and that no perſon ſhall under any pretence whatſoever preſume to obſtruct or hinder any perſons from fiſhing in places aforeſaid.

Except herrings, as by the acts for encouragement of fiſheries.

XCII. *ſect.* 2. Provided no perſon by this act ſhall have liberty to fiſh or take herrings in day time, or at any other time, or any other manner than is directed by the acts for encouragement of fiſheries of this kingdom

Proofs requiſite to obtain the bounty.

XCIII. *ſect.* 3. Whereas many difficulties attend obtaining the bounty on exportation of fiſh caught on the coaſts: upon ſufficient proof made before collector, or chief officer of the port, that ſuch fiſh entered for exportation, was caught on the coaſts of this kingdom, or within thirty-five leagues, and upon the maſter or perſon having charge of the veſſel, in which ſuch fiſh is to be exported, making oath that to beſt of his knowledge or belief ſaid fiſh is not intended to be relanded, and that he will not permit or ſuffer ſaid fiſh

or

or any part to be relanded, unleſs in caſe of real diſtreſs to ſave the goods from periſhing, and alſo upon the owner or proprietor of ſaid fiſh becoming bound with two ſufficient ſureties in penalty equal to treble value of the bounties he ſhall be intitled to, conditioned not to reland the fiſh, intended to be exported, in any port, haven, creek, or other places in Ireland, unleſs in caſe of diſtreſs immediately made known to ſome one or more of officers of the port neareſt the place where ſuch veſſel ſtranded, which bond the collector of the port is required to take, and the ſaid bond is declared good and valid in law for the ſum contained, then, and upon performance of theſe requiſites, the owner or perſon ſhipping off ſuch fiſh, ſhall in three months after exportation receive the bounties payable thereon from the collector of the port from whence exported, any thing in any other law or ſtatute to the contrary in any wiſe notwithſtanding.

Relanding, unleſs in actual diſtreſs, treble value; aſſiſting therein 10l. as by exciſe act 14 & 15 C. 2.

XCIV. *ſect.* 4. If any maſter or perſon having charge of a veſſel in which any fiſh exported, and a bounty claimed, ſhall reland, or permit or ſuffer any part to be relanded, unleſs in actual diſtreſs, ſhall forfeit treble value of ſuch fiſh relanded; and every ſeaman, or perſon who aſſiſt in relanding, ſhall forfeit ten pounds; ſaid penalties ſued for and recovered by the ſame ways and means as penalties by act fourteenth and fifteenth Charles the ſecond, commonly called the act of exciſe.

No bounties on export, unleſs firſt landed in ſome port here.

XCV. *ſect.* 5. No owner of any fiſh intitled to bounties upon exportation, unleſs firſt landed in, and afterwards exported from, ſome port in this kingdom.

10l. penalty to ſhoot or wet nets for herrings by day, or aſſiſting;

XCVI. *ſect.* 6. A penalty of twenty pounds ſhall be paid by all perſons, who ſhoot or wet any nets for taking herrings in the day time, or be in any wiſe aiding or aſſiſting in the ſame; ſuch penalty ſhall be recovered, upon complaint before any juſtice of county next to the place where offence committed, or where ſuch offender ſhall reſide or be found, and ſhall be levied off goods and chattles of offender, by warrant under hand and ſeal of ſuch juſtice, for uſe of the perſon who ſhall ſue; and in caſe ſuch offender on demand refuſe to pay ſuch penalty to ſuch juſtice, or the perſon whom he ſhall by warrant impower to levy, and no goods or chattles found ſufficient to anſwer, it ſhall be lawful for ſuch juſtice to cauſe ſaid offender to be apprehended and committed to common gaol of the county where ſuch juſtice reſides, without bail or mainprize for ſix months, or until he or they have paid ſuch penalty.

On juſt cauſe of ſuſpicion veſſels boarded, and offenders apprehended;

peace and revenue officers to aſſiſt to prevent taking herrings by day between 1ſt Auguſt and 1ſt September from 4 till ſunſet, and between 1ſt October and 1ſt Auguſt from ſunriſe to ſunſet.

XCVII. *ſect.* 7. As perſons are encouraged to ſaid offences from opportunities of eſcaping by water from the authority of ſuch juſtice, it ſhall be lawful for perſons impowered to execute warrant of ſuch juſtice, to board any veſſel, in which they may have juſt cauſe to ſuſpect ſuch offender harboured or concealed, and to apprehend ſuch offender whereſoever found, ſo as he may ſuffer puniſhment aforeſaid; and all magiſtrates and peace officers, and alſo officers of revenue, are required to be aiding and aſſiſting by all lawful means to effectual carrying into execution the clauſes aforeſaid, for preventing the pernicious practice of fiſhing for or taking herrings in day time between firſt of Auguſt and firſt of September, from four o'clock in the morning till ſun ſet, and between firſt October and firſt Auguſt from ſun riſe to ſun ſet.

Diſputes between owner or maſter and hands as to wages or earnings not

XCVIII. *ſect.* 8. Any diſputes or differences between perſons engaged on board any veſſels employed in the fiſheries, and the owner or maſter thereof, touching any demands ſuch perſons may have againſt ſuch owners or maſters, on account of wages or ſhares of earnings of ſuch veſſels, where ſuch demand

above 5l. and for absenting from service, determined by justices for the county, as if between masters and servants.

mand does not exceed five pounds, and also all such complaints of such owners or masters against any persons or hands engaged on board said vessels on account of absenting or withdrawing from duty and service on board, shall be determined by any justices for the county where such disputes arise; who are impowered to give like relief, and by like remedies and means, and to inflict like penalties and punishments, as impowered to do in all cases of disputes between masters and servants, or artificers and employers by all or any of the laws in being.

Revenue officers may as usual enter vessels by night or day, continue, search for, and seize unentered goods.

XCIX. *sect.* 9. Provided nothing herein shall restrain any officers of revenue from time to time deputed by chief commissioners of excise, or major part, from entering into any ship, buss, or vessel whatsoever, as well by night as day, coming into any port, harbour, haven, creek, or other places, and to continue there on board until fully unladen and discharged, or again relanded in pursuance of the powers in this act, but that it shall be lawful for such officers to enter into any such ship, buss or vessel, to see, survey, and make search for any goods or commodities either put on board, or taken out or carried away, or intended to be carried away, without due entry first had and made, or payment of the duties, and to seize, attach, and carry away the same in same manner, to all intents and purposes, as may be done by any law or acts of parliament in force.

Bounties on export of cured herrings and mackarell in 32 gallon barrels, by 5 G. 3. c. 24. s. 5. paid in proportion for casks of less size.

C. *sect.* 10. Whereas by the act third of his present Majesty, *for encouragement of fisheries*, a bounty is given of two shillings for every barrel thirty two gallons, wherein good, sound, and well cured white herrings packed, upon exportation thereof; as also two shillings and six pence on every barrel of same contents, wherein good, sound, and well cured mackarell packed, upon exportation: said bounties shall be paid in proportion upon all such herrings and mackarell respectively, as exported in casks of a lesser size than thirty two gallons upon exportation thereof.

Before entry, the name of vessel and port painted on transum and quarters, boats, and buoys,

and numbered; kept legible during fishery;

CI. *sect.* 11. That vessels employed in fisheries may be more readily known, and the masters and crews more easily brought to punishment for offences against this or other acts made for encouragement of fisheries: before any person permitted to enter a vessel in any custom-house for said fisheries, the owner or his agent shall cause the name of said vessel, and port to which she belongs, to be painted in large characters with white lead and oil on the transum and quarters, as also upon all boats and buoys belonging; and the collector shall cause a number to be added to such name, which shall be inserted in the entry, and painted in like manner on said vessel, and on the boats and buoys belonging; which names and number shall not be obliterated, but kept fair and legible during the time said vessel shall remain at said fishery; and in case said names and number not kept fair and legible, the master or chief officer of said vessel shall forfeit five pounds sterling, to be recovered and applied as other penalties in this act.

Penalty 5l.

Blank journals delivered at entry to master.

CII. *sect.* 12. At the time any vessel is entered for said fisheries, the collector or comptroller shall deliver to the master or chief officer a blank journal book signed by collector or comptroller, and ruled under distinct heads, in which said master or chief officer shall enter an account of proceedings of said vessel, soundings upon the coast and fishing banks, quantity of fish taken by said vessel, and quantity bought, and the times when respectively; and shall make oath, that every proceeding in said journal book (unless immediately entered) was copied from the rough journal, and transcribed from thence into said book within eight days from the time such proceeding happened.

CIII. *sect.*

CIII. *sect.* 13. Every veſſel at the time of being entered for the fiſheries ſhall have on board two half barrels, each containing ſixteen gallons; with which ſhall be meaſured the herrings taken and bought by her; and the entry in the journal of the quantity of herrings taken and bought ſhall be by the number of barrels or half barrels, and not by tale or count.

2 half-barrels on board at entry, 16 gallons each; herrings meaſured thereby.

CIV. *sect.* 14. Whereas a great number of ſmall boats proceed to fiſheries on the coaſts, and from the irregular manner in which they ſhoot nets, the fiſhery is injured, and nets of other fiſhermen damaged, and offenders cannot be diſcovered: no boat ſhall proceed to ſaid fiſheries, unleſs the name of the ſkipper is painted in large characters with white lead and oil on the ſtern, oars, and buoys; which boat, with name of the ſkipper, ſhall be regiſtered with ſome one of the juſtices of peace living in the barony wherein ſaid ſkipper reſides: and in caſe any ſuch boat ſhall ſhoot any net, or take any fiſh without having ſkipper's name painted, and being regiſtered, the ſkipper ſhall forfeit forty ſhillings, recovered and applied as the other penalties; and any juſtice, with whom ſuch boat ſo regiſtered, ſhall return an account of the ſame to collector of the diſtrict, in which ſuch juſtice reſides, within one month after ſuch boats regiſtered.

Skipper's name painted large on ſtern, oars, and buoys of boats on fiſheries on the coaſts, regiſtered with a juſtice, ſhooting net, or taking fiſh, otherwiſe, 40s. account of boats regiſtered returned in a month.

CV. *sect.* 15. Whereas the harbours of Donegall have been injured by the irregular manner wherein veſſels throw out ballaſt; no veſſel ſhall throw out or diſcharge ballaſt on any part of ſaid coaſt ſouth weſt of the iſle of Arran, except at ſuch places, (all above low water mark) as appointed from time to time by ſurveyor of the diſtrict of Killibegs; nor on any part north-eaſt, except places (all above low water mark) as appointed by tide ſurveyor of Ballyrain; the maſter or chief officer of any fiſhing veſſel, or ſkipper of fiſhing boat, convicted of having thrown out or diſcharged any ballaſt, contrary to directions of this act, ſhall forfeit five pounds ſterling every ſuch offence, recovered and applied as the other penalties.

No ballaſt diſcharged ſouth-weſt of Arran, ſave as directed by Killibegs ſurveyor, to north-eaſt by Ballyrain tide ſurveyor, above low water mark; penalty 5l. on maſter or ſkipper.

CVI. *sect.* 16. Any perſon who ſhall drudge for, or take any oyſters in any part of the lough of Carlingford, between the bar and caſtle of Narrow-water, after the firſt Saturday in March, until firſt Monday in November, ſhall forfeit the drudge net, or other machine with which the ſame ſhall be drudged for, or taken, as alſo forty ſhillings, recovered and applied as the other forfeitures and penalties.

Oyſter drudging in Carlingford lough after 1ſt Saturday in March 'till 1ſt Monday in Nov. net, &c. forfeited, and 40s.

CVII. *sect.* 17. The ſeveral penalties and forfeitures by this act, except where otherwiſe appointed, ſhall be recovered before any juſtice of peace of the county where offence committed, or wherein the parties reſide, and levied by diſtreſs and ſale of goods and chattles, by warrant under hand and ſeal of ſuch juſtice before whom offence proved, by confeſſion, or on oath of one credible witneſs; which, when recovered, ſhall go to uſe of perſons who ſue within twelve calendar months next after offence.

Forfeiture, ſave otherwiſe appointed, recovered before a juſtice where offence, or where reſident.

CVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 36. *sect.* 5. An act third of his preſent Majeſty, *for encouragement of fiſheries in this kingdom*, and alſo an act fifth of his preſent Majeſty, and alſo a clauſe in an act, ſeventh of his preſent Majeſty, *for continuing, reviving, and amending ſeveral temporary ſtatutes, and other purpoſes*, whereby the ſaid two before recited acts of the third and fifth of his preſent Majeſty are amended, ſhall continue in force until firſt of January 1790, and to the end of the then next ſeſſion.

3 G. 3. c. 24. and 5 G. 3. c. 7. and 7 G. 3. c. 20. ſ. 10. continued to 1 Jan. 1790, &c.

CIX. *sect.* 6. The ſeveral clauſes relative to trawling in the bay of Dublin, and to preſervation of game, contained in an act the thirteenth and fourteenth

13 & 14 G 3. c. 41. continued to 24 June, 1790, &c.

teenth of his preſent Majeſty, continued to 24th June 1790, and to the end of the then next ſeſſion.

1s. per barrel on herrings to North-weſt fiſheries.

CX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 7. *ſect.* 26. The tax of one ſhilling *per* barrel on herrings imported be paid to the Dublin Society, to be applied to encouragement of fiſheries in north-weſt parts.

3 G. 3. c. 24. ſ. 1. Oath therein by maſter of fiſhing veſſel to intitle to bounty, frauds by ſhipping prohibited goods, running and ſmuggling, additional oath by the maſter before bounties paid.

CXI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 12. *ſect.* 7. Whereas by an act third year of his Majeſty, *for encouragement of fiſheries*, upon return of any buſs or veſſel employed, or whoſe owners entitled to bounties, the maſter ſhall make oath as therein, and ſeveral frauds committed by taking on board contraband goods, and by running and ſmuggling; in addition to ſaid oath before the reſpective bounties in ſaid act ſhall be paid, the maſter ſhall make oath before the collector or comptroller of ſaid port, who are impowered reſpectively to adminiſter, "that neither he, nor any of his crew, to his knowledge or belief, had ſhipped or laden on board ſuch reſpective buſs or veſſel any contraband or prohibited goods or merchandizes of any ſort or kind whatſoever, or any goods or merchandizes whatſoever, with intent to run, or ſmuggle, or land, or import the ſame without the payment of the duties due and payable to his Majeſty thereon, nor had been concerned in any contraband or illicit trade whatſoever, nor had run or ſmuggled any goods or merchandizes whatſoever from the time the buſs or veſſel, in which he ſo embarked for the purpoſe aforeſaid, had ſailed, until the return thereof to ſuch port or place as aforeſaid."

On falſe ſwearing, or ſuborning, penalties for perjury or ſubornation by any law in force.

CXII. *ſect.* 8. If any wilfully, falſely, and corruptly ſwear touching any matters hereby, or by ſaid act directed, to be verified by oath, or procure or ſuborn any to ſwear falſely in any matters aforeſaid; every perſon legally convicted by verdict, or upon confeſſion, ſhall incur all pains, penalties, forfeitures, and diſabilities as perſons, who commit, or corruptly procure or ſuborn any to commit wilful or corrupt perjury, are now ſubject to by any law or ſtatute in force.

1s. per barrel on herrings to north weſt fiſheries.

CXIII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 26. The tax of one ſhilling per barrel on all herrings imported, be paid to the Dublin Society, to be applied to encouragement of fiſheries in the north weſt.

Herring duty to the fiſheries, as by parliament.

CXIV. *Stat.* 21 & 22 *Geo.* 3. *cap.* 14. *ſect.* 20. The produce of ſaid duty on herrings ſhall be applied to encourage fiſheries of this kingdom, as ſhall be directed by parliament.

Inſpectors of fiſheries (not above 3) appointed by chief governor,

may enter veſſels fitted out on the bounty, and ſee regulations obeyed,

CXV. *Stat.* 21 & 22 *Geo.* 3. *cap.* 15. *ſect.* 78. Whereas the rules by laws in force for regulating the fiſheries have been evaded, and are rendered difficult to be carried into execution, by reaſon that the perſons ſubject, are uſually at ſea, and out of the reach of any magiſtrate: it ſhall be lawful for any perſons, not exceeding number of three, to be appointed for that purpoſe by the chief governor; and ſuch perſon or perſons ſo appointed from time to time to remove and appoint others in his or their room, to ſuperintend and inſpect ſaid fiſheries reſpectively; and to enforce and carry into effectual execution the laws heretofore paſſed, or hereafter enacted for preſervation or improvement of ſaid fiſheries, it ſhall be lawful for ſuch perſons appointed to enter on board every

every veſſel fitted out on the bounty for fiſhing, and lying in any harbour, creek, or haven within head land and head land, to examine and ſee that all laws and regulations made or to be made for preſervation and improvement of ſaid fiſheries be duly obeyed by all concerned therein; and upon complaint or information upon oath to ſaid perſons reſpectively (which oath they, and each, is and are impowered to adminiſter) againſt any perſons relative to puniſhment of any offence againſt ſaid laws, or any of them, to iſſue warrant againſt perſons ſo complained of, or informed againſt, and to cauſe ſuch to be apprehended and brought before perſons ſo appointed to inſpect; and if it ſhall appear to ſuch inſpector or inſpectors, by oath of ſuch informer, or other witneſſes, that perſons ſo informed againſt or complained of, have been guilty of the offence charged, ſuch perſons appointed to inſpect ſhall, by warrant under hand and ſeal, cauſe all fines to which offenders liable, to be levied by diſtreſs and ſale of goods of ſuch offender; and for want of ſuch diſtreſs or payment, to commit to gaol of the county, in which ſuch offender brought before ſuch inſpectors, to remain for the times preſcribed by law reſpectively; and if perſons ſo complained againſt, abſcond or refuſe to come before ſuch inſpectors, upon notice in writing, ſerved upon laſt place of abode of perſons ſo abſconding or refuſing, twenty-four hours before inſpectors enter into examination of ſuch offence, it ſhall be lawful for ſuch inſpector or inſpectors, upon ſuch proof, by ſuch warrant, to cauſe all ſuch fines for ſuch offences, to be levied by diſtreſs and ſale of goods of ſuch offenders, as perſonally preſent; and for want of ſuch diſtreſs or payment, to commit ſuch offenders, when ever apprehended, to gaol of the county in which apprehended, to remain for ſuch time as by law preſcribed for ſaid offences reſpectively.

on complaint on oath, iſſue warrant to apprehend and bring before them,

on proof on oath, warrant to levy fines by diſtreſs and ſale,

on default impriſon for time preſcribed,

on abſconding or refuſal, on 24 hours notice on laſt abode, fines levied as if preſent,

or impriſoned where apprehended.

CXVI. *ſect.* 79. In caſe any perſon ſo convicted, conceive himſelf aggrieved by conviction, ſentence, or judgment of ſuch inſpector, on paying or depoſiting with ſuch inſpector the fine ſo impoſed, or a ſufficient diſtreſs for ſecuring payment, to appeal to the magiſtrate, or juſtice of peace of the county wherein, if on land, or adjacent to the place, if at ſea, where ſuch offence committed, or where the party apprehended or ſummoned, provided ſuch appeal ſhall be proſecuted within one month after ſuch conviction, ſentence, or judgment; which magiſtrate or juſtice ſhall upon ſummoning the parties accuſing and appealing, and examination upon oath, make ſuch order, to affirm or reverſe, as to him ſhall ſeem meet.

Appeal to a juſtice of peace

proſecuted in 1 month.

CXVII. *ſect.* 80. To create ſome fund for defraying expences neceſſarily incurred by ſuch inſpectors, a deduction of ſix pence ſhall be made out of every twenty ſhillings bounty money, annually paid to owners of all veſſels employed in ſaid fiſheries reſpectively; and ſaid ſix pence in the pound, ſhall be handed over to and for uſe of ſuch inſpectors, in ſuch manner, and according to ſuch diſtribution, as the chief governor ſhall from time to time think proper to direct.

6d. per £. deducted out of annual county,

paid to inſpectors.

CXVIII. *ſect.* 81. Every ſuch inſpector ſhall, previous to entering into office, take an oath of import following, before one or more commiſſioners of cuſtoms and exciſe, "that he will honeſtly, faithfully, and to the beſt of his ability and judgment, perform his duty in ſaid office; which oath ſuch commiſſioners are impowered to adminiſter; and if ſuch inſpectors take any reward, fee, gratuity, or conſideration from or on behalf of any perſon employed or concerned in ſuch fiſheries, or any, or wilfully aſſiſt in, conceal, or connive at any fraud or offence, contrary to the laws in that behalf, ſuch inſpectors found guilty

Inſpector's oath before commiſſioners,

taking reward, or conniving at any offence, fined 50l.

guilty by verdict of a jury, upon a trial in a county wherein, if upon land, or next adjoining to the place if at sea, where such offence committed, shall be fined fifty pounds for every such offence; and in default of payment, be imprisoned for any time at discretion of the judge, not exceeding six months, and for ever rendered incapable of holding such office.

Inspector to return to commissioners, master's and owner's name convicted, and no bounty.

CXIX. *sect.* 82. Said inspectors shall return to commissioners of customs and excise, the name of the master or owner of any vessel, convicted of any offence against said laws, or any of them, and the master and owners deemed incapable of receiving any bounty for such vessel.

Where any vessel on fishing voyage foundered or wrecked.

CXX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 37. *sect.* 1. Where any vessel on her fishing voyage, shall founder at sea, or by distress and hardship of weather be forced on shore and wrecked, or from unavoidable misfortunes the requisites cannot be performed, it shall be lawful for commissioners of revenue, upon satisfactory proof thereof, to order payment of the bounty to owners of said vessels; or in case of their being lost, to the legal representatives of said owners.

CXXI. *sect.* 2. Whereas the principal season for taking herrings on the coast, is during November and December, in which the fishermen are frequently prevented many nights in the week, and are prohibited from shooting nets on Saturday night: henceforth it shall be lawful for said fishermen to shoot their nets, and fish on every night in the week, during said fishing season on said coasts; provided the boats which go out on Saturday night, return into port early on Sunday morning.

Fishermen may shoot nets every night in the season, if the boats return early on Sunday.

CXXII. *sect.* 3. Whereas bounties have been obtained by persons not resident, and who cannot be punished for frauds or offences: no bounty shall be paid for or in respect of any vessel, the whole of which shall not be made appear to satisfaction of commissioners of revenue, to have been for six months before sailing on her fishing voyage, really and *bona fide* the property of one or more owner or owners, having their known and settled place of residence for them and families in this kingdom, six months at least before such time of sailing, unless it shall appear that such vessel has been built in this kingdom within said six months, by such owner or owners resident as aforesaid.

No bounty for any vessel, the whole of which not shewn for 6 months before sailing the property of owners resident,

unless built within said 6 months.

Journal.

CXXIII. *sect.* 4. To entitle to bounty, the owner or master of every fishing vessel, as he shall proceed to fish, shall at all such times have amongst the number of hands and men by any law now required, one person on board of the age of fourteen at least, who shall keep the rough journal, and within eight days transcribe the same into the fair journal, to be sworn to, and returned by the master; any law or statute to contrary notwithstanding.

1s. 9d. every barrel of full red herrings, 32 gallons, exported, of clean shotten 1s.

CXXIV. *sect.* 5. For every barrel of full red herrings, containing thirty two gallons, which shall be exported from any port in Ireland, to any parts beyond seas, there shall be paid one shilling and nine pence; and for every barrel of clean shotten herrings, containing thirty two gallons, one shilling, and so in proportion for a smaller quantity; said bounty to be paid in like manner, and under same regulations, as by the laws in force for bounties on export of fish caught on the coasts, or within thirty five leagues.

Tenant in tail, or for life, remainder to issue, of lands commodious to fisheries of Donegal, &c.

CXXV. *sect.* 6. Whereas it is necessary for encouragement to erect stores and buildings for curing and preserving fish, and houses for accommodating people employed to give permanent tenures; and such improvements must be of great benefit to the estates on which made: it shall be lawful for all seized in fee tail, or for life, with remainder to their issue, of and in any lands commodious

modious to the fiſheries on coaſts of Donegal, Sligo, Mayo, county and town of Galway, to demiſe to any who ſhall covenant and agree within five years from commencement of ſuch leaſe, to lay out not leſs than ten pounds in buildings on the ſame, any quantity of ground, not exceeding five acres, to any one perſon for any term of years, or for three lives, with covenant of renewal for ever, on payment of half a year's rent, by way of fine for each renewal, at the higheſt and beſt rent that can be gotten, without any fine for making ſuch leaſe: provided ſuch ground demiſed, be not more than two miles diſtant from the ſea ſhore, and not part or parcel of the demeſne uſually held and occupied, with the manſion houſe of the owner; and that ſaid demiſe be by indenture under hand and ſeal, duly executed in preſence of two credible witneſſes, and that the tenant do execute a counterpart in like manner; and in caſe the leſſees, or their repreſentatives, duly fulfil their covenants for building, the premiſſes granted and and demiſed, ſhall be held and enjoyed by ſuch tenant, his heirs and aſſigns, according to nature of the tenure, notwithſtanding any limitation in any will or ſettlement reſtraining ſuch leſſor from making ſuch leaſe.

CXXVI. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 19. An act ſeventeenth and eighteenth of his Majeſty, *for preſervation of fiſh in rivers, lakes, and inland waters*, continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion. 17 & 18 G. 3. c. 19. continued to 24 June 1787, and end of next ſeſſion.

Flax and Hemp.

I. *Eng. Stat.* 7 & 8 *Will.* 3. *cap.* 39. *ſect.* 1. It ſhall be lawful for natives of England or Ireland to import into England, directly from Ireland, any ſorts of hemp or flax, and all the productions thereof, as thread, yarn, and linen, of the growth and manufacture of Ireland, free from all duties, the maſter of the veſſel importing the ſame bringing a certificate from the chief officer of the port in Ireland, expreſſing the marks, number, tale, or weight of the ſpecies in each bale mentioned in the bills of lading, with the names and places of abode of the exporters from Ireland, and of ſuch perſons that ſhall have ſworn the goods to be of the growth and manufacture of the kingdom, and where and to whom in England conſigned, and the maſter of the ſhip, on arrival in England, making oath that the ſaid bales and goods are the bales and goods taken on board by virtue of the ſaid certificates. Importation by natives.

II. *Eng. Stat.* 1 *Ann. ſtat.* 2. *cap.* 8. *ſect.* 2. All hemp or flax, and the production thereof, as thread, yarn, and linen, imported directly from Ireland by natives of England or Ireland, being of the growth and manufacture of Ireland, upon producing certificates and making oath as by *ſtat.* 7 *Will.* 3. *cap.* 39. ſhall be free from the additional ſubſidy of poundage, and all other duties whatſoever. Free from additional ſubſidy.

III. *Brit. Stat.* 16 *Geo.* 2. *cap.* 26. *ſect.* 6. In caſe the certificate directed by *ſtat.* 7 & 8 *Will.* 3. *cap.* 39. to be brought by the maſter of the veſſel importing from Ireland, any of the manufactures made there of hemp or flax, into England, ſhall expreſs the names or places of abode of the perſons who ſhall have *bona fide* ſworn the ſame to be of the manufacture of Ireland, without Free from all cuſtoms and duties.

fraud or covin, and the other directions in the ſaid act, excepting the exporter ſwearing ſuch goods were of the growth of Ireland, ſhall be purſued, it ſhall be lawful to import directly from Ireland into England any manufactures made of hemp or flax in Ireland, as may now by law be imported into England, free from all cuſtoms, duties, and impoſitions.

Watering flax or hemp, &c.

IV. *Stat.* 3 *Geo.* 3. *cap.* 34. *ſect.* 8. No flax or hemp ſhall be ſteeped and watered in any river, ſtream, or brook, or running water, but in holes or pits of ſtanding water, or in trenches or places made ſo near ſuch running water, as that they may be ſupplied with freſh water, at proper times, without letting any of the water, impregnated by ſuch flax or hemp, run into or mix with any river, ſtream, brook, or running water, until after the firſt of October, in any year; unleſs there ſhall happen ſooner to be a flood ſufficient to carry off ſuch impregnated water without corrupting ſuch running water; upon pain of forfeiting all ſuch flax and hemp, or the value thereof.

Firſt of October or a flood.

Forfeiture.

Pulling hemp.

V. *ſect.* 9. At the time of pulling the female or ſhe hemp, no male hemp ſhall be pulled therewith; and no female or ſhe hemp ſhall be mixed with the male hemp, either in watering, dreſſing, or for ſale, under the penalty of ten ſhillings for every hundred weight of hemp that ſhall be ſo mixed, and ſo in proportion for any leſſer quantity, to be forfeited by the owner thereof.

Penalty for mixing, &c.

Flax-ſeed and Hemp-ſeed.

Mixing flax-ſeed, &c.

I. *Stat.* 3 *Geo.* 3. *cap.* 34. *ſect.* 5. No perſon ſhall mix different parcels of flax-ſeed, or different parcels of hemp-ſeed, of the growth of different countries, or of different years, together; upon pain of forfeiting all ſuch ſeed as ſhall be ſo mixed, or the value thereof; and alſo three pounds for every hogſhead that ſhall be ſo mixed, and ſo in proportion for any leſſer quantity.

Forfeiture and penalty.

Sellers of flax-ſeed.

II. *ſect.* 6. Every perſon who ſhall ſell and deliver to any one buyer, at one time, four or more packs, or any larger quantity or parcel of flax-ſeed or hemp-ſeed for ſowing, or in order to be ſown, ſhall, together with every ſuch parcel, deliver to the buyer, in writing, a certificate ſubſcribed by ſuch perſon, expreſſing truly the quantity and price of the ſeed ſo ſold, and that the ſame was ſo ſold in order to be ſown; and if the ſame ſhall be foreign production, the port from whence the ſame is imported, and the name of the country where it grew, and the year of its growth; and if ſuch ſeed ſhall be of the produce of this kingdom, the name of the county where it grew, and the year of its growth; upon pain of forfeiting ſuch ſeed as ſhall be ſo ſold without ſuch certificate, or the value thereof; and alſo three pounds for every hogſhead thereof, and ſo in proportion for any leſſer quantity; and if any ſuch flax-ſeed or hemp-ſeed ſhall be of a different growth or age, from what ſhall be expreſſed in ſuch certificate, the perſon that ſhall have ſold the ſame, ſhall forfeit the full value thereof to the perſon that ſhall have bought the ſame.

Certificate in writing.

Foreign production.

Produce of this kingdom.

Forfeiture and penalty.

Falſe certificate.

Sale of bad ſeed for ſowing.

III. *ſect.* 7. No perſon ſhall ſell, or offer to ſell, or expoſe to ſale, any bad, mixed, or damnified flax-ſeed or hemp-ſeed for ſowing, or in order to be ſowed; upon pain of forfeiting ſuch ſeed, or the value thereof; and alſo three pounds ſterling for every hogſhead of ſuch ſeed, and ſo in proportion for any leſſer quantity.

Forfeiture and penalty.

Flax-ſeed at five ſhillings a buſhel.

IV. *ſect.* 131. When good, ſound, and merchantable flax-ſeed of the growth of this kingdom ſhall be at five ſhillings *per* buſhel or under, every merchant

or

or other perſon who ſhall put on ſhip-board to export, or cauſe to be exported, from the port of Dundalk, or any other port of this kingdom ſouthward of Dundalk, to any port beyond the ſea, any quantity of flax-ſeed of the growth of this kingdom, ſhall bring a certificate in writing under their hands, containing the quantity of flax-ſeed ſo ſhipped, to the commiſſioners, collectors, or other perſons appointed to collect the duties within any ſuch port, and upon oath made of the truth of ſuch certificate, by any credible perſon, before any of the ſaid officers, who are hereby impowered to adminiſter the ſame, and that the ſame is good, ſound, and merchantable flax-ſeed of the growth of this kingdom, and that no premium has been already received for the export of ſuch ſeed, and alſo upon bond given by every ſuch perſon, in the ſum of twenty ſhillings, for every barrel of ſuch ſeed, and ſo in proportion for any greater quantity, that the ſaid ſeed is good and merchantable of the growth of this kingdom, and the danger of the ſeas excepted, ſhall be exported into parts beyond the ſeas, from the port where ſuch ſeed ſhall be ſo ſhipped, and ſhall not be relanded in any part of this kingdom, every ſuch merchant ſo ſhipping any quantity of ſuch ſeed, making oath, and giving ſuch certificate and bond as aforeſaid, ſhall receive, clear and free of all duties payable upon the export of flax-ſeed, one ſhilling per buſhel, as a premium for every ſuch buſhel of ſuch ſeed, to be paid by ſuch officers, and in ſuch manner as draw-backs are uſually paid.

Shipped to be exported.

Certificate in writing.

Oath to be made.

Bond to be given.

Growth of this kingdom, &c.

Premium for exportation.

V. *ſect.* 132. It ſhall be lawful for all juſtices of the peace for the ſeveral and reſpective counties, from whence flax-ſeed ſhall be exported, and they are hereby required, at every their quarter ſeſſions, to give in charge, in open court, to the grand jury then aſſembled, to make enquiry and preſentment upon their oaths of the common market price of flax-ſeed, in every ſuch county, which inquiry and preſentment the ſaid grand jury are hereby required to make.

Juſtices of peace.

Charge at ſeſſions.

Price of flax-ſeed.

VI. *ſect.* 133. Such preſentment ſhall be made in open court, and ſhall be certified by the ſaid juſtices in writing to his Majeſty's chief officer and collector of the cuſtom for the time being, reſiding in every ſuch port, from whence ſuch flax-ſeed may be exported, and ſhall be hung up in ſome publick place in the cuſtom houſes belonging to every ſuch port, to be reſorted to by all perſons for their information.

Certificate of preſentment.

Hung up in cuſtom-houſes.

VII. *ſect.* 134. If the grand jury in any county ſhall neglect to make ſuch preſentment, at any of their ſaid quarter-ſeſſions, in ſuch caſe no premium ſhall be paid within ſuch county upon the aforeſaid exportation, until a preſentment ſhall be made by the grand jury of ſuch county, at their quarter-ſeſſions, for aſcertaining the price of flax-ſeed, within the ſaid county in manner aforeſaid.

Grand jury neglecting.

No premium for that county.

VIII. *ſect.* 135. No fee or reward whatſoever ſhall be paid to, or received, or demanded by any cuſtom-houſe, or revenue officer, for or on account of the ſhipping, exporting, or landing any flax-ſeed of the growth of this kingdom.

No fee to officers, &c.

IX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 25. From twenty fifth December one thouſand ſeven hundred and eighty one, the ſeveral ſums granted by this, or any other act in force, and appropriated to raiſing ſufficient quantities of flax and hemp; and for the hempen and flaxen manufactures in Leinſter, Munſter, and Connaught, ſhall be applied to ſuch purpoſes only, and no other; and a ſeparate and diſtinct account ſhall be kept of the application, and laid before parliament.

Sums to flax and hemp, applied to no other,

account laid before parliament.

X. *Stat.*

From 25 Dec. 1781, to 25 Dec. 1783, no bounty on flaxſeed or linſeed imported.

X. *Stat.* 21 & 22 *Geo.* 3. *cap.* 8. *ſect.* 1. Whereas the cultivation and ſaving flax-ſeed has been much diſcouraged by bounties on importation, and the premiums laſt ſeſſion have tended much to promote a ſufficient ſupply of Iriſh: from twenty fifth December one thouſand ſeven hundred and eighty one, until twenty fifth December one thouſand ſeven hundred and eighty three inclusive, no bounty or premium ſhall be paid for or on account of any flax-ſeed or linſeed imported, any law to contrary notwithſtanding; and during ſaid time, a ſum after rate of ſeven thouſand two hundred and fifty pounds *per annum*, ſhall be applied to encourage growth of flax-ſeed in this kingdom, to be paid out of ſuch monies as the bounties on imported flax-ſeed have been uſually paid out of, or out of any aids or duties this ſeſſion, by vice treaſurers, or receivers general, or deputies, without further warrant, in manner after mentioned.

7250l. per ann. to encourage growth.

Premiums 7070l. by 1ſt March each year.

XI. *ſect.* 2. Truſtees of hempen and linen manufactures ſhall, on or before firſt of March in each year, during ſaid time, propoſe and publiſh ſuch premiums, amounting in the whole annually to ſeven thouſand and ſeventy pounds at leaſt, for encouraging growth of flax from Iriſh flax-ſeed in all or any counties, and in ſuch proportions and under ſuch reſtrictions and regulations, as they think proper.

Claim adjudged at aſſizes by grand jury.

XII. *ſect.* 3. Every claim ſhall be required to be made before, and adjudged by grand jury of the county at ſome aſſizes appointed by ſaid truſtees, or on the day after, by ſaid grand juries, or the majority.

6d. per £. to county treaſurer.

XIII. *ſect.* 5. It ſhall be lawful for every treaſurer of a county to keep to his own uſe ſix pence for every twenty ſhillings he ſhall pay to any perſon for premiums adjudged as aforeſaid by grand jury or the majority, as a reward for his trouble and attendance.

Premiums paid on demand entered,

copy to truſtees ſecretary,

account on oath to grand jury next aſſizes,

and duplicate on oath to ſaid ſecretary.

XIV. *ſect.* 6. Every treaſurer of a county, having received ſuch money, ſhall pay upon demand, without other fee or reward than aforeſaid, to every perſon to whom premium adjudged, the full amount; and ſhall enter all payments and monies received in a book for that purpoſe, and a liſt of the premiums adjudged at preceding aſſizes; a copy of all which entries ſhall be ſent by every ſuch treaſurer to the ſecretary, or chief officer of ſaid truſtees, within one month after ſuch aſſizes; and every ſuch treaſurer ſhall at ſucceeding aſſizes lay before grand jury his account of all ſuch monies received and paid upon oath, and ſend a duplicate thereof upon oath, to ſaid ſecretary or chief officer of ſaid truſtees, within one month after ſaid aſſizes.

Money in treaſurers hands applied to encourage growth of flax-ſeed,

and paid on demand.

XV. *ſect.* 7. All ſums heretofore iſſued to treaſurers of counties, and which remain in their hands after payment of all claims adjudged by reſpective grand juries, or majority; and all ſums iſſued to them for payment of claims to be adjudged at any enſuing aſſizes, and which remain after payment of all claims ſo adjudged, ſhall be applied for encouraging growth of flax-ſeed in this kingdom, as ſaid truſtees ſhall direct from time to time, and be paid upon demand by every ſuch treaſurer to order of ſaid truſtees, without fee or reward.

6d. per £. deducted by treaſurer.

XVI. *ſect.* 8. Any treaſurer required by ſaid truſtees to pay ſuch remaining ſum, or any part, to encourage growth of flax-ſeed within the county whereof he is treaſurer, may deduct to his own uſe, for his trouble and expence, after rate of ſix pence for each pound he ſhall ſo pay.

Treaſurers ſubject as for road money.

XVII. *ſect.* 9. Every treaſurer ſhall, for any neglect, refuſal, or miſbehaviour in any matter, be accountable and ſubject to like penalties and regulations as now by law, for any money raiſed on ſuch county for repair of roads.

XVIII. *ſect.*

Flax-ſeed and Hemp-ſeed.

XVIII. *ſect.* 10. Said truſtees ſhall keep, or cauſe to be, diſtinct accounts of all monies expended for encouraging growth of flax-ſeed and hemp-ſeed, and on or before firſt day of every ſeſſion, depoſit a copy with the clerk of the commons, to be laid before the houſe. Accounts of expenditure kept by truſtees, depoſited with commons clerk by 1ſt of every ſeſſion.

Flour.

I. *Stat.* 5 *Geo.* 3. *cap.* 16. *ſect.* 22. No duty ſhall be paid henceforth unto his Majeſty for or on account of any flour, made or manufactured in this kingdom, upon the exportation thereof. Exemption from duty.

Forcible Entry.

I. *Eng. Stat.* 5 *Rich.* 2. *ſtat.* 1. *cap.* 8. None ſhall make entry into lands but where entry is given by law, and in ſuch caſe, not with ſtrong hand nor with multitude of people, but only in lawful and eaſy manner. And if any do to the contrary, and thereof be convict, he ſhall be puniſhed by impriſonment, and ranſomed at the king's will. Impriſonment and ranſom.

II. *Eng. Stat.* 15 *Rich.* 2. *cap.* 2. At all times that forcible entries be made, and complaint thereof cometh to juſtices of peace or any of them, the ſame juſtices or juſtice ſhall take ſufficient power of the county, and go to the place where ſuch force is made; Juſtices of peace.

(2) And if they find any that hold ſuch place forcibly, they ſhall be taken and put in the next gaol, there to abide convict by the record of the juſtices or juſtice till they have made fine and ranſom to the king. Committal.

(3) And all they of the county, as well the ſheriff, as other, ſhall attend upon the juſtices to aſſiſt them to arreſt ſuch offenders, upon pain of impriſonment, and to make fine to the king. Power of the county.

(4) And in the ſame manner it ſhall be done of them that make ſuch forcible entries into benefices or offices of holy church. Benefices.

III. *Eng. Stat.* 8 *Hen.* 6. *cap.* 9. *ſect.* 2. Where any doth make forcible entry into lands, tenements or other poſſeſſions, or hold them forcibly, after complaint made to the juſtices of peace, or one of them, by the party grieved, the juſtices or juſtice, within a convenable time, ſhall cauſe the ſtatute duly to be executed at the coſts of the parties grieved. Execution at the coſts of the party.

IV. *ſect.* 3. Though ſuch perſons making ſuch entries be preſent, or voided before the coming of the juſtices, nevertheleſs the juſtices, in ſome town next the tenement or in other convenient place, ſhall have power to inquire by the people of the county, as well of them that make ſuch forcible entries into lands and tenements, as of them which the ſame hold with force. And if it be found before them, that any doth contrary to this ſtatute, the juſtices ſhall cauſe the tenements, ſo entered or holden to be re-ſeized, and put the party ſo put out in full poſſeſſion. Enquiry by juſtices. Re-ſeiſin.

(2) And if any perſon after ſuch entry make a feoffment or other diſcontinuance to any lord or other perſon to have maintenance, or to defraud the poſſeſſor of his recovery, if after in aſſize or other action, by inquiry, the ſame feoffments and diſcontinuances may be proved to be made for maintenance, ſuch feoffments or diſcontinuances ſhall be void. Maintenance.

V. *ſect.*

Precept to the sheriff.

V. *ſect.* 4. When the juſtices make ſuch inquiries, they ſhall make their precepts to be directed to the ſheriff, commanding him to cauſe to come before them, ſufficient and indifferent perſons dwelling next about the land ſo entered, to inquire of ſuch entries, whereof every man impannelled ſhall have land of the yearly value of forty ſhillings, and the ſheriff ſhall return iſſues upon them at the day of the firſt precept returnable twenty ſhillings, and at the ſecond day forty ſhillings, and at the third time an hundred ſhillings, and every day after the double.

Sheriff making default.

(2) And if any ſheriff or bailiff make not execution duly of the ſaid precepts, he ſhall forfeit to the King twenty pounds for every default, and moreover ſhall make fine and ranſom.

Suit or indictment.

VI. *ſect.* 5. As well the juſtices aforeſaid, as the juſtices of aſſizes, ſhall have power to hear and determine ſuch defaults of the ſheriffs and bailiffs, as well by bill at the ſuit of the party grieved for himſelf, as for the King to ſue by indictment only to be taken by the King.

Coſts againſt ſheriffs.

(2) And if the ſheriff or bailiff be attainted by indictment or by bill, he which ſueth ſhall have the one moiety of the forfeiture of twenty pound, together with his coſts; and the ſame proceſs ſhall be made againſt ſuch perſons indicted or ſued by bill, as againſt ſuch perſons indicted or ſued by writ of treſpaſs, with force and arms.

Writ of treſpaſs.

VII. *ſect.* 6. If any perſon be diſſeiſed of any lands or tenements in forcible manner, or put out peaceably, and after holding out with ſtrong hand, or after ſuch entry any feoffment or diſcontinuance thereof be made to defraud the right of the poſſeſſor, the party grieved in this behalf ſhall have aſſiſe of *novel diſſeiſin* or a writ of treſpaſs againſt ſuch diſſeiſor.

Treble damages.

(2) And if the party grieved recover, and it be found by verdict or in other manner, that the defendant entered with force, or after his entry did hold with force, the plaintiff ſhall recover his treble damages and make fine and ranſom to the King.

Franchiſes.

(3) And mayors, juſtices of peace, ſheriffs and bailiffs of cities, boroughs having franchiſe, have like power to remove ſuch entries, and in other articles aforeſaid, as the juſtices of peace and ſheriffs in counties have.

Poſſeſſion for three years, &c.

VIII. *ſect.* 7. Provided that they which keep their poſſeſſions with force in lands and tenements, whereof they or their anceſtors, or they whoſe eſtate they have in ſuch lands and tenements, have continued their poſſeſſions three years, be not endamaged by force of this ſtatute.

Stay of reſtitution.

IX. *Stat.* 10 *Car.* 1. *ſeſſ.* 3. *cap.* 13. *ſect.* 1. No reſtitution upon any indictment of forcible entry, or holding with force ſhall be made, if the perſon indicted have had the occupation, or have been in quiet poſſeſſion three years next before the day of ſuch indictment found, and their eſtate therein not ended, which the party indicted may alledge for ſtay of reſtitution until that be tried, if the other will traverſe the ſame.

Coſts and damages.

(2) And if the ſame allegations be tried againſt the perſons ſo indicted, then the ſame perſons to pay ſuch coſts and damages to the other party as ſhall be aſſeſſed by the judges or juſtices before whom the ſame ſhall be tried. *Eng. Stat.* 31 *Eliz. cap.* 11.

Tenants for years, &c.

X. *ſect.* 2. Such judges or juſtices of the peace, as by any acts of parliament now in force are authorized upon inquiry to give reſtitution of poſſeſſion unto the tenants of any eſtate of freehold, of their lands which ſhall be entered upon or withholden by force, ſhall by this act have the ſame authority, upon

indictment

indictment of ſuch forcible entries or forcible withholding before them duly found, to give like reſtitution of poſſeſſion unto tenants for term of years, tenants by copy of court-roll, by *elegit*, ſtatute-merchants and ſtaple. *Eng. Stat.* 21 *Jac.* 1. *cap.* 15.

XI. *ſect.* 3. All juſtices of aſſize ſhall in their ſeveral circuits have the like authority, to inquire and determine of all forcible entries and forcible holding, and all other offences as well againſt the ſtatute *made in England*, 8 *Hen.* 6. *cap.* 9. as againſt this ſtatute, and to award reſtitution of poſſeſſion in all caſes as any other judge or juſtices of the peace may do. Juſtices of aſſize.

Foreſtallers.

I. *Eng.* Ordinance for bakers, &c. *incerti temporis*, *cap.* 10. No foreſtaller ſhall be ſuffered to dwell in any town, who manifeſtly is an oppreſſor of the poor, a publick enemy of the country, who meeting grain, fiſh, herring, or other things coming to be ſold, doth make haſte to buy them before other, thirſting after wicked gain, oppreſſing the poor and deceiving the rich, and by that means goeth about to ſell the ſaid things much dearer than he which brought them; who cometh about merchant ſtrangers, and offereth them his help in the ſale of their wares, and informeth them, that they may ſell their wares dearer than they meant to have done. Not to dwell in any town.

(2) He that is convict thereof, the firſt time ſhall be amerced, and ſhall loſe the thing ſo bought according to the cuſtom of the town; he that is convict the ſecond time ſhall have judgment of the pillory; the third time he ſhall be impriſoned and ranſomed; the fourth time he ſhall abjure the town; and likewiſe they that give them counſel, help or favour. Penalties.

II. *Eng. Stat.* 25 *Edw.* 3. *ſtat.* 4. *cap.* 3. The foreſtallers of wines and other victuals and merchandiſes that come to the towns of England by land or by water, if they be thereof attainted at the ſuit of the King or the party, before mayor, bailiff or juſtices thereto aſſigned, or elſewhere in the King's court, and if they be attainted at the King's ſuit, the things foreſtalled ſhall be forfeit to the King, if the buyer hath made gree to the ſeller. Forfeiture of the goods.

(2) And if he hath not made gree of all but by earneſt, the buyer ſhall incur the forfeiture of as much as the foreſtalled goods amount to; and if they have not whereof, then he ſhall have two years impriſonment and more at the King's will. And if he be attainted at the ſuit of the party, the party ſhall have one half of ſuch forfeit, or the price of the King's gift, and the King the other half. *Confirmed by Eng. Stat.* 2 *Ric.* 2. *ſtat.* 1. *cap.* 2. Buyers to forfeit.

III. *Eng. Stat.* of the ſtaple, 27 *Edw.* 3. *cap.* 11. All merchants that bring their wares to the cities, towns or ports within the realm, may ſafely ſell them, and no perſon ſhall go by land or by water towards ſuch wares, to foreſtall them or give earneſt for them before they come to the port, nor enter into the ſhips for ſuch cauſe till the merchandiſe be ſet to land to be ſold, upon the pains contained in the third article, *viz. the pains of felony, but the penalty is not in uſe in this caſe, perhaps from the laws of the ſtaple becoming obſolete by the loſing of* Calais, *whither all the ſtaples were removed by* Edw. 3. *and* Hen. 4. *See Eng. Stat.* 2 Hen. 5. ſtat. 1. cap. 6. *and* 2 Hen. 6. cap. 4. and 3 Hen. 6. cap. 4. in the Penalty of foreſtalling.

the ſtatutes at large. *The penalty of death in the ſaid third article is alſo repealed by Eng. Stat.* 38 Edw. 3. ſtat. 1. cap. 6. *but the forfeiture of lands and goods remains by that ſtatute.*

Buying to ſell again.

IV. *Stat.* 33 *Hen.* 8. *ſeſſ.* 1. *cap.* 2. *ſect.* 1. No perſons to the intent to ſell the ſame again, ſhall buy any hides, felles, checkers, fleges, yarn, linen, cloth, wool or ſtock, but only in the open market or fair. And if any perſons do otherwiſe, and be of the ſame duly convicted, every perſon ſo convicted ſhall be adjudged a foreſtaller of the King's market.

Power of repealing.

V. *ſect.* 2. If any inconvenience ſhould grow by means of this act, the lord deputy, the lord chancellor, the lord treaſurer, the vice treaſurer, the three chief judges, and the maſter of the rolls, or five of them at the leaſt, whereof the lord deputy and lord chancellor to be two, ſhall have authority by proclamation to be made in any of the ſaid markets or fairs, to make void this act, or ſuch part thereof as they think good. And this act, after proclamation ſo to be made, or as much thereof as they ſhall think good as aforeſaid, ſhall be void.

Puniſhing offenders.

VI. *ſect.* 3. The juſtices of the King's-bench, and every juſtice of peace, in open ſeſſions, ſhall have authority to inquire of offences againſt this act, and to hear and determine the ſame, and to puniſh the offenders, and to tax like fines upon the offenders as though they were convicted of foreſtalling of the King's markets by the laws of this land;

Continuance.

(2) Provided that this act ſhall endure but till the laſt day of the next parliament, if it be not repealed or made void before by proclamation as is aboveſaid.

Tanners.

VII. *ſect.* 5. This act ſhall not extend to any tanner or barker for the buying of any hides to be tanned or barked, ſo that they do tan or bark the ſame. *This act is revived and made perpetual by* Stat. 11 Eliz. ſeſſ. 1. cap. 5.

Forfeitures.

Before conviction.

I. *Eng. Stat.* de catall. felon. *incert. temp.* No man taken for the death of a man, or for other felony ſhall be diſſeiſed of his lands or chattels until he be convict; but as ſoon as he is taken, his tenements and chattels ſhall be viewed and ſcheduled by view of the keeper of the pleas of the crown, and by view of the ſheriff and of lawful men; and ſhall be ſafely kept by bail of the priſoner, who ſhall give ſecurity to anſwer to the juſtices of the chattels or the prices, if they be demanded.

Saving of neceſſaries.

(2) Saving to the priſoner and his family their neceſſaries while he is in priſon, and his reaſonable eſtover, ſo that when he is convict, the reſidue of his chattels ſhall remain to the King, with a term of one year and a day in his lands. And if he can defend himſelf of the felony, his chattels ſhall remain to him.

Feoffments void.

II. *Eng. Stat.* 3 *Edw.* 2. *cap.* 4. If any man enfeoff another of his land, with intent to enter into rebellion, or to commit any other felony, and after the felony committed to have again his ſaid lands, ſuch feoffments ſhall be held for none, but after the felony committed the King ſhall have the year and the waſte of the ſame tenements; and after the chief lord ſhall have the ſame as his eſcheat,

cheat, ſo that the truth of the matter, and the manner of the feoffment be firſt inquired by writ out of the chancery.

III. *Eng. Stat.* 31 *Edw.* 3. *ſtat.* 1. *cap.* 3. If any be charged in the exchequer by eſtreats of juſtices of the chattels of fugitives and felons, and will alledge in diſcharge, that another is chargeable, he ſhall be heard. Chattels of fugitives.

IV. *Eng. Stat.* 31 *Edw.* 3. *cap.* 14. The eſcapes of felons and chattels of felons and fugitives ſhall be levied as they fall. Eſcapes of felons.

V. *Eng. Stat.* 34 *Edw.* 3. *cap.* 12. The King will not exclude himſelf of forfeitures of war whereof he found his crown ſeized; but of all other caſes of forfeitures of treaſon of dead perſons not attainted in their lives, their heirs or land-tenants ſhall not be impeached, nor of any other forfeitures, except the forfeitures anciently adjudged after the death of the perſons by preſentments in eyre or in the King's bench, as of felons of themſelves and others. Dead perſons not attainted.

VI. *Eng. Stat.* 1 *Ric.* 3. *cap.* 3. None ſhall ſeize the goods of any perſon impriſoned for ſuſpicion of felony, before he be convicted, or the goods lawfully forfeited; upon pain to forfeit the double value to him that is hurt by action of debt, &c. Suſpicion of felony.

VII. *Stat.* 33 *Hen.* 8. *ſeſſ.* 2. *cap.* 4. *ſect.* 1. If any perſons or their heirs, or any other having their eſtate in any honour, title, dignity, annuity, lands, or any other hereditaments by the King heretofore freely given, or hereafter to be granted or given freely to any perſons, do make any confederation which the law declareth to be treaſon, with any rebels, or attempt any war or invaſion againſt his Majeſty, or againſt his ſubjects, or do tranſgreſs in any part their duty of allegiance, which the law declareth to be treaſon, or do not perform ſuch covenants which ſhall be compriſed within the letters patent, as they by their own aſſent ſhall make and promiſe to perform with his Highneſs deputy and council of this realm, at ſuch time as they receive and accept any grant of his Highneſs, or his heirs or ſucceſſors, Kings of England, and the ſame being proved and adjudged by the due order of law, ſuch perſons ſhall forfeit all ſuch intereſt and eſtate, as they or any other perſons ſeized to their uſe, ſhall have in any honours or dignities, lands or other hereditaments, by any ſuch grants to be made by his Majeſty, his heirs or ſucceſſors, Kings of England. Forfeiture of lands, &c.

VIII. *ſect.* 2. In all gifts and grants to be made by his Highneſs, his heirs or ſucceſſors, to any perſons of any honour, title, eſtate, or dignity, lands or hereditaments within this realm, theſe words following, or words of like effect, ſhall be expreſſed within every the ſaid grants; *that if the perſons unto whom the ſame ſhall be made, or any of his heirs or aſſigns having his eſtate in the ſame, or any part thereof, do make any confederation with any rebels or enemies, or attempt any wilful war, invaſion or deſtruction againſt his Majeſty or his ſubjects, or do tranſgreſs any part of their duties of allegiance which the law declareth to be treaſon, and thereof ſhall be condemned, or do not perform ſuch agreement as they ſhall make with his Grace's deputy, and the ſecret council, mentioned and appearing within the ſaid letters patent, the perſons ſo condemned ſhall forfeit to our ſaid ſovereign Lord, his heirs and ſucceſſors, all ſuch title as they ſhall have by any ſuch grant unto them or to their anceſtors, or to any other whoſe eſtates they ſhall ſo have, in any ſuch honour, dignity, lands or hereditaments, or any parcel thereof.* Clauſe to be inſerted in all grants.

Saving to the King.

IX. *ſect.* 3. Provided that all other forfeitures for treaſons ſhall be ſaved to the king as they were afore the making of this act.

Lands, &c. of perſons attainted.

X. *Eng. Stat.* 11 & 12 *Will.* 3. *cap.* 2. *ſect.* 1. All honours, manors, baronies, caſtles, lands, tenements, rents, reverſions, ſervices, remainders, poſſeſſions, royalties, franchiſes, juriſdictions, privileges and appurtenances, rights of entry, rights of action, titles, conditions, annuities, uſes, truſts, powers, authorities and penſions of what nature or kind ſoever they be in Ireland, whereof any perſons who ſtand convicted or attainted of high treaſon or rebellion in Ireland, or of other treaſon committed in foreign parts, ſince 13th February 1688, or ſhall be convicted or attainted before the end of Trinity term 1701, or who ſtand convicted or attainted by reaſon of being found by inquiſition to have died, or been ſlain in actual rebellion ſince the ſaid 13th February 1688, was or were ſeized or poſſeſſed, or intereſted in, or intitled unto, or any in truſt for them, on the ſaid 13th day of February, or at any time ſince, in their own right, or to their own uſe, or whereof the late K. James II. or any in truſt for him, was ſeized or intereſted in, at his acceſſion to the crown of England; and all judgments, ſtatutes, recognizances, extents, mortgages, and ſecurities for money, right of redemption of mortgages or other ſecurities, debts, ſpecialties, goods and chattels of what nature or kind ſoever, which any of the ſaid perſons ſo convicted or attainted, or to be convicted or attainted, were poſſeſſed of or intereſted in in their own right, or any other in truſt for them, ſtood poſſeſſed of or intereſted in, on the ſaid 13th of February 1688, or at any time ſince, ſhall be and are veſted and ſettled in the real poſſeſſion and ſeiſin of ſir Cyril Wyche, knight, Francis Anneſly, eſq; James Hamilton, eſq; John Baggs, eſq; John Trenchard, eſq; John Iſham, eſq; Henry Langford, eſq; James Hooper, eſq; John Cary, gent. ſir Henry Sheers, knt. Thomas Harriſon, eſq; William Fellows, eſq; and Thomas Rawlins, eſq; (truſtees for putting the powers of this act in execution) and their heirs, executors, &c. from 2d November 1699, according to the ſeveral eſtates and intereſts which the ſaid perſons, &c. had therein, on the ſaid 13th of February, or at any time afterwards, to the end the ſame may be ſold and diſpoſed of for the uſes mentioned in this act. And when any of the ſaid perſons were ſeized of an eſtate tail only in the ſaid honours, manors, &c. the ſame are hereby enacted to be veſted in the ſaid truſtees and their heirs in fee-ſimple, to be ſold and diſpoſed of as aforeſaid.

Judgment and ſecurities.

Truſtees named.

Eſtates in tail.

Former grants void.

XI. *ſect.* 2. All grants, demiſes, ſurrenders, releaſes, cuſtodiams, &c. or diſpoſitions, ſince the ſaid 13th February 1688, made or granted under the great ſeal of England and Ireland, or ſeal of the exchequer in Ireland, or by act of parliament in Ireland, or otherwiſe, of any of the ſaid forfeited or forfeitable eſtates or intereſt, or of the eſtate of the ſaid late King James, or of any the quit-rents, crown-rents, compoſition-rents, or chiefries belonging to the crown of Ireland, are declared null and void.

Profits received by grantees.

XII. *ſect.* 3. Nothing herein contained ſhall be conſtrued to make ſuch grantees, their heirs, executors, &c. accountable for the profits of ſuch honours, manors, lands, &c. by any of them received before the ſaid 2d November 1699; but they may retain the ſame, as well againſt his Majeſty, &c. as againſt the ſaid truſtees, &c.

Saving.

XIII. *ſect.* 6. Nothing herein contained ſhall impeach or prejudice any perſon's property or intereſt as to any goods or perſonal chattels whatſoever, who,

who, in purſuance of their Majeſty's declaration, ſubmitted to their authority by the time therein limited.

XIV. *ſect.* 7. No perſon herein before nominated a truſtee ſhall be capable of acting in ſuch truſt, before he ſhall take the oaths appointed by *Stat. 1 Will. & Mar. for abrogating the oaths of ſupremacy, &c.* and alſo one other oath to the effect following, that is to ſay, Oaths to be taken.

XV. *ſect.* 25. All perſons, bodies politic and corporate, may purchaſe the ſaid eſtates and intereſts and keep them notwithſtanding any ſtatute of mortmain to the contrary; and all ſuch purchaſers having any ſuch conveyance and aſſurance as aforeſaid, and cauſing the ſame to be inrolled as aforeſaid, are adjudged to be in the actual ſeiſin and poſſeſſion of ſuch premiſſes. Statutes of mortmain.

(2) And the truſtees, &c. if need be, are to iſſue out their precepts to the ſheriffs or other proper officers of the reſpective counties, thereby commanding them to cauſe poſſeſſion to be delivered to ſuch purchaſers, their heirs, ſucceſſors, executors, &c. or to whom they ſhall appoint. Precepts to ſheriffs.

(3) And the purchaſers and their heirs, &c. ſhall hold the ſame freed and diſcharged from all arrears of quit-rents, crown-rents, and chiefries, at any time due before the date of their conveyances, and of all other demands but what are allowed by the truſtees, &c. and alſo freed and diſcharged from any breach of truſt which can or may be pretended to be committed by the ſaid truſtees, in not ſtrictly purſuing the powers or directions given by this act. Arrears of quit-rents, &c.

(4) Nevertheleſs, the ſaid eſtates to be held of the King, his heirs and ſucceſſors, as of his caſtle of Dublin, by free and common ſocage tenure, ſubject from the date of ſuch reſpective ſale and conveyance, to ſuch crown-rents, &c. as they were on 13th February 1688, which crown-rents, &c. ſhall for ever hereafter remain and be for the ſupport of the government of Ireland, and ſhall be unalienable. Socage tenure.

(5) And all grants and incumbrances thereon, ſince the ſaid 13th February 1688, are declared null and void, contracters for any ſuch purchaſe, not paying their money within the time appointed, ſhall forfeit one fifth part of the conſideration money contracted for; and the truſtees, &c. may proceed to a new ſale of ſuch lands, tenements and hereditaments. Grants void.

XVI. *ſect.* 26. Nothing in this act ſhall make void any grant of any quit-rent or other rents made in conſideration of any juſt debts releaſed to the crown, to the full value of ſuch grant, or make void any grant for reduction or abatement of any quit-rent, where the ſame abatement hath been made in conſideration of the barrenneſs or coarſeneſs of any lands out of which the ſame is iſſuing, or for the better improvement thereof. Quit-rents.

The remaining clauſes of this act, relative to the powers of the truſtees, can now have no further effect, and are therefore omitted.

See Tit. **Inrolments, Leaſes, Papiſts,** and **Quit-rents.**

Forgery.

I. *Stat.* 28 *Eliz. cap.* 3. *ſect.* 1. If any perſon ſhall wittingly, ſubtilly, and falſly forge, or cauſe or aſſent to be forged, any falſe deed, charter, or writing ſealed, court-roll, or will in writing, to the intent that the freehold or inheritance of any perſons in lands freehold or copyhold, or the right or intereſt of any perſons to the ſame, may be moleſted, defeated, or charged, or ſhall publiſh or ſhew forth in evidence any ſuch falſe and forged deed, &c. as true, knowing False deeds.

knowing the ſame to be falſe and forged, to the intent above remembered, and ſhall be thereof convicted, either upon action of forger of falſe deeds to be founded upon this ſtatute, at the ſuit of the party grieved or otherwiſe, according to the laws, he ſhall pay unto the party grieved his double coſts and damages, to be aſſeſſed in that court where ſuch conviction ſhall be.

Double coſts and damages.

Pillory.

(2) And alſo ſhall be ſet upon the pillory in ſome market-town, or other open place, and there ſhall have both his ears cut off, and his noſtrils ſlit and ſeared, and ſhall forfeit to the Queen the whole iſſues and profits of his lands during his life, and ſhall ſuffer perpetual impriſonment.

Recovery of damages, &c.

(3) The ſaid damages and coſts recovered at the ſuit of the party grieved, to be firſt levied of the goods of the offender, and of the iſſues and profits of the lands.

Deeds of lands.

II. *ſect.* 2. If any perſon ſhall wittingly, ſubtilly, and falſly forge, or cauſe or aſſent to be forged, any falſe charter, deed, or writing, to the intent that any perſon may claim any eſtate or intereſt for term of years in lands not being copyhold, or any annuity, or forge, &c. any obligation or bill obligatory, or any diſcharge of any debt, account, action, demand, or any thing perſonal, or if any perſon ſhall publiſh or give in evidence any ſuch falſe and forged charter, &c. as true, knowing the ſame to be falſe and forged, and ſhall be thereof convicted as aforeſaid, he ſhall pay unto the party grieved his double coſts and damages, to be aſſeſſed in ſuch court where the conviction ſhall be, and ſhall be ſet upon the pillory in ſome market-town or other open place, and there have one of his ears cut off, and alſo ſuffer impriſonment one year.

Bills or diſcharges.

Pillory.

Action of forger.

III. *ſect.* 3. The party grieved may have his action of forger of falſe deeds upon this ſtatute, by original writ out of chancery, and have like proceſs upon the ſame as in treſpaſs, or may at his pleaſure take his ſuit by bill in the King's bench or exchequer.

Second impeachment.

IV. *ſect.* 4. If the defendant be convicted, &c. according to this act, he ſhall not eftſoons be impeached for the ſame offence.

No releaſe of the penalties.

V. *ſect.* 5. Although the plaintiff in any ſuch action ſhall after verdict againſt the defendant, releaſe the judgment or execution, or ſuffer the ſame to be diſcontinued, yet the ſame releaſe ſhall only diſcharge ſuch coſts and damages as the plaintiff ſhould have had, and the judges before whom the action ſhall be, may proceed to judgment of the reſidue of the penalties, and command execution upon the ſame.

Second offence, felony.

VI. *ſect.* 6. If any perſon convicted of any of the offences aforeſaid, ſhall eftſoons commit any of the ſaid offences, every ſuch ſecond offence ſhall be felony without benefit of clergy; ſaving to every perſon, other than the offenders, all rights, &c.

Corruption of blood, &c.

VII. *ſect.* 7. Any ſuch conviction or attainder of felony, ſhall not extend to take away the dower of the wife, nor to the corruption of blood, or diſheriſon of the heirs of perſons ſo attainted.

Ordinaries and their officers.

VIII. *ſect.* 8. This act ſhall not extend to charge any ordinary or their commiſſaries, officials, regiſters, or their officers or miniſters with any the offences aforeſaid, for putting their ſeal of office to any will to be exhibited unto them, not knowing the ſame to be falſe or forged, or for writing of the ſaid will or probate of the ſame.

Seſſions of oyer and terminer.

IX. *ſect.* 9. Juſtices of oyer and terminer, and juſtices of aſſiſe, ſhall have authority in their general ſeſſions to inquire, hear and determine all offences aforeſaid committed within the limits of their commiſſion, and to make proceſs for

for execution, as they may do againſt any perſon indicted before them of treſpaſs or convicted thereof.

X. *ſect.* 10. All ſtatutes heretofore made for forgery of falſe deeds or writings, and every penalty appointed by the ſame, ſhall be void. Former ſtatutes.

XI. *ſect.* 11. This act ſhall not extend to any proctor, advocate, or regiſter of any eccleſiaſtical court, for writing, ſetting forth, or pleading of any proxy made according to the eccleſiaſtical laws or cuſtoms allowed by the eccleſiaſtical courts, for the appearance of perſons cited to appear in the ſaid courts, nor to any archdeacon or official, for putting their ſeals to the ſaid proxies, neither to any judge eccleſiaſtical for admitting the ſame. Proctors and advocates.

XII. *ſect.* 12. This act ſhall not extend to any attorney, lawyer, or counſellor, that ſhall for his client plead or give in evidence any forged deed or other writing, being not privy to the forging of the ſame. Attornies and counſellors.

XIII. *ſect.* 13. This act ſhall not extend to any perſons that ſhall plead or ſhew forth any deed or writing exemplified under the great ſeal of England, or under the ſeal of any other authentick court of this realm, nor ſhall extend to any judge or juſtices, or other perſon that ſhall cauſe any ſeal of any court to be ſet to any ſuch deed, charter, or writing inrolled, not knowing the ſame to be falſe or forged. *Eng. Stat. 5 Eliz. cap.* 14. Exemplifications.

XIV. *Stat.* 3 *Geo.* 2. *cap.* 4. *ſect.* 1. If any perſon ſhall forge or counterfeit, or procure to be forged or counterfeited, or willingly aſſiſt in the forging or counterfeiting any deed, laſt will or teſtament, bond, writing obligatory, bill of exchange, promiſſory note for payment of money to the value of five pounds, indorſement, or aſſignment of any bill of exchange, or ſuch promiſſory note for payment of money, or any acquittance or receipt either for money or goods to the value of five pounds, with intention to defraud any perſon, or ſhall utter or publiſh as true any forged or counterfeited deed, laſt will or teſtament, bond, writing obligatory, bill of exchange, ſuch promiſſory note for payment of money, indorſement or aſſignment of any bill of exchange or ſuch promiſſory note for payment of money, ſuch acquittance or receipt either for money or goods, with intention to defraud any perſon, knowing the ſame to be forged or counterfeited; every ſuch perſon being thereof convicted, ſhall be deemed guilty of felony, and ſhall either be admitted to the benefit of clergy or of the ſtatute, and be burned in the hand, or ſhall be tranſported as other felons at the diſcretion of the court before which ſuch offender ſhall be convicted. *Brit. Stat.* 2 *Geo.* 2. *cap.* 25. Forging, &c. made felony.

This act is continued, by Stat. 29 *Geo.* 2. *cap.* 9. *ſect.* 9. *for twenty-one years after the* 25*th of March* 1757, *and to the end of the then next ſeſſion of parliament. It is alſo continued by the ſame act, ſect.* 2. *for twenty-one years from the end of that ſeſſion of parliament, and to the end of the then next ſeſſion.* Continuation.

XV. *Stat.* 17 *Geo.* 2. *cap.* 11. *ſect.* 1. If any perſons ſhall upon the act 3 *Geo.* 2. *cap* 4. be indicted for felony, for falſly making, forging, or counterfeiting, or cauſing or procuring to be falſly made, forged, or counterfeited, or willingly acting or aſſiſting in the falſe making, forging, or counterfeiting any deed, laſt will or teſtament, bond, writing obligatory, bill of exchange, promiſſory note for the payment of money, to the value of five pounds, indorſement, or aſſignment of any bill of exchange, or of ſuch note, or any acquittance Benefit of clergy taken away.

quittance or receipt, either for money or goods, to the value of five pounds, with intention to defraud any perſon, and thereof be convicted or attainted, ſhall be excluded from the benefit of clergy or of the ſtatute. *Brit. Stat.* 7 *Geo.* 2. *cap.* 22.

Continuation of the act, 3 Geo. 2.

XVI. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 9. An act, 3 *Geo.* 2. *cap.* 4. *for the more effectual preventing and further puniſhment of forgery, perjury, and ſubornation of perjury, &c.* and one other act, 17 *Geo.* 2. *cap.* 11. *for the amendment of the law in relation to forgery, &c.* ſo far as the ſame relates to the taking away the benefit of clergy, in the caſes relating to forgery, therein mentioned, are reſpectively continued for twenty-one years after the twenty-fifth day of March 1757, and to the end of the next ſeſſion of parliament next after the expiration of ſaid term of twenty-one years.

To forge or alter, &c. or aſſiſt therein, ſecurities for money or order for delivery of goods, value 5l. with intent to defraud, or utter as true knowing falſe, felony without clergy.

XVII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 14. *ſect.* 1. Whereas an act 3 G. 2. has been found ineffectual: if any perſon after the firſt of May 1774, ſhall falſly make, alter, forge, or counterfeit, or cauſe or procure to be falſly made, altered, forged, or counterfeited, or willingly act or aſſiſt in the falſe making, altering, forging, or counterfeiting any acceptance of any bill of exchange, or the number or principal ſum of any accountable receipt for any note, bill, or other ſecurity for payment of any money, or any warrant or order for payment of money, or delivery of goods to the value of five pounds, with intention to defraud any perſon whatſoever, or ſhall utter or publiſh as true, any falſe, altered, forged, or counterfeited acceptance of any bill of exchange, or accountable receipt for any note, bill, or other ſecurity for payment of any money, or any warrant or order for payment of money, or delivery of goods to value of five pounds, with intention to defraud any perſon, knowing the ſame falſe, altered, forged, or counterfeited, every ſuch perſon, being thereof lawfully convicted according to due courſe of law, ſhall be deemed guilty of felony, and ſuffer death as a felon without benefit of clergy.

3 G. 2. c. 4. perpetual.

XVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 36. *ſect.* 2. An act third George the ſecond, *for more effectual preventing and further puniſhment of forgery, perjury, and ſubornation of perjury, and to make it felony to ſteal bonds, notes, or other ſecurities for money*, made perpetual.

17 G. 2. c. 11. ſ. 1. continued to 25 March 1790, &c.

XIX. *ſect.* 3. A clauſe in an act ſeventeenth George the ſecond, *for amendment of the law in relation to forgery, and ſalvage of goods ſtranded*; which clauſe relating to forgery, was by ſubſequent acts continued, and by 29th George the ſecond, twenty-one years from 25th of March 1757, continued unto 25th March 1790, and from thence to the end of the then next ſeſſion.

Franchiſes.

Writs of enquiry.

I. *Eng. Stat.* 27 *Edw.* 1. *ſtat.* 2. *ſect.* 1. Such as would purchaſe new parks, and men of religion that would amortize lands, ſhall have writs out of chancery to inquire upon the points accuſtomed; and the inqueſt of lands that be worth yearly more than 20*s.* by extent, ſhall be returned into the exchequer, and there they ſhall make fine for the amortizements, or for the having of the park, if the inqueſts paſs for him that purchaſed them; and from thence it ſhall be certified unto the chancellor or his lieutenant, and he ſhall take

take a reaſonable fine, according to the quantity of the thing, and after deliver them.

II. *ſect.* 3. Alſo folk dwelling beyond the ſea, that have lands or rents in England, and will purchaſe letters of protection, or make general attornies, they ſhall be ſent into the exchequer and there make fines, and from thence ſhall be ſent unto the chancellor or his lieutenant. Letters of protection, &c.

III. *ſect.* 4. In like manner they ſhall do that will purchaſe any fair, market, warren, or other liberty. Alſo ſuch as will purchaſe attermining of their debts, ſhall be ſent into the exchequer. Fairs and markets.

IV. *ſect.* 5. Such as be not able to travel, and folk that dwell in far countries, which plead or be impleaded, ſhall have a writ out of chancery to ſome ſufficient man that ſhall receive their attornies. Letters of attorney.

V. *ſect.* 6. For a remembrance of theſe things there ſhall be an indenture made, divided into three parts, whereof one part to remain in the chancery, another in the exchequer, and the third in the wardrobe. Indenture.

Frauds and fraudulent Conveyances.

I. *Eng. Stat.* 1 *Ric.* 2. *cap.* 9. No gift or feoffment of lands or goods ſhall be made by fraud for maintenance; and if any be made, they ſhall be holden for none. And the diſſeiſees ſhall have their recovery againſt the firſt diſſeiſors, as well of their lands, as of their double damages, without regard to ſuch alienations, ſo that the diſſeiſees commence their ſuits within the year after the diſſeiſin; and the ſame in every other plea of land, where ſuch feoffments be made by fraud, where the feoffors take the profits. Feoffments by fraud.

II. *Eng. Stat.* 4 *Hen.* 4. *cap.* 7. The diſſeiſees mentioned in the ſtatute 1 *Ric.* 2. *cap.* 9. ſhall have their action againſt the firſt diſſeiſor during his life, ſo as ſuch diſſeiſor take the profits at the time of the ſuit commenced. And as to other writs in plea of land, the demandant ſhall commence his ſuit within the year againſt the tenant of the freehold at the time of the action accrued, ſo as ſuch tenant take profits at the time of the ſuit commenced. Pleas of land.

III. *Eng. Stat.* 11 *Hen.* 6. *cap.* 3. In all manner of writs founded upon *novel diſſeiſin*, the diſſeiſees ſhall have their recovery againſt the diſſeiſors or their feoffees, ſo as they againſt whom the writ ſhall be brought take the profits. Writs of novel diſſeiſin.

IV. *Eng. Stat.* 3 *Hen.* 7. *cap.* 4. All deeds of gift of goods made of truſt to the uſe of the perſons that made the ſame, ſhall be void. Deeds in truſt.

V. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 3. *ſect.* 1. Every conveyance, grant, charge, leaſe, incumbrance, and limitation of uſes of any lands, made to defraud and deceive ſuch as have purchaſed or ſhall purchaſe in fee-ſimple, fee-tail, for lives or years, the lands, &c. ſo conveyed or limited in uſe, or to defraud and deceive ſuch as ſhall purchaſe any rent, &c. out of the ſame, ſhall, as againſt perſons, bodies politick and corporate, and againſt all claiming under them, which ſhall purchaſe for good conſideration, the ſame lands, or any rent, &c. out of the ſame, be utterly void. Deeds void againſt purchaſers.

Parties to fraudulent deeds.

VI. *ſect.* 2. All parties to ſuch fraudulent gifts, grants, leaſes, charges, or conveyances before expreſſed, or being privy to and knowing the ſame, which ſhall wittingly and willingly avow or defend the ſame as true, or made *bona fide*, or upon good conſideration, to the diſturbance of the purchaſers, leſſees, or grantees, or ſuch as claim under them, or to their uſes, ſhall incur the penalty of one year's value of the ſaid lands, the one moiety whereof to be to the King, and the other moiety to the perſons grieved, to be recovered in any court of record by action, wherein no eſſoign, &c. ſhall be admitted for the defendants. And alſo being thereof convicted, ſhall ſuffer impriſonment for one half year, without bail or mainprize.

Conveyances made *bona fide*.

VII. *ſect.* 3. This act ſhall not impeach or fruſtrate any conveyance, aſſignment of leaſe, aſſurance, grant, charge, leaſe, eſtate, intereſt, or limitation of uſes of any lands made upon good conſideration and *bona fide*.

Clauſes of revocation.

VIII. *ſect.* 4. If any perſon or perſons ſhall make any conveyance, &c. or aſſurance of any lands, with any clauſe or condition of revocation, and after ſuch conveyance, &c. made, ſhall ſell, demiſe, grant, convey, or charge the ſame lands for good conſideration paid or given, the ſaid firſt conveyance, charge, or limitation, not by them revoked or altered according to the power reſerved unto them by the ſaid ſecret conveyance or grant, then the ſaid former conveyance, as touching the ſaid lands, againſt the vendees, leſſees, grantees, and all perſons which claim under them or to their uſes, ſhall be void.

Mortgages.

IX. *ſect.* 5. Provided, that no lawful mortgage made *bona fide* and without fraud or covin, upon good conſideration, ſhall be impeached by force of this act.

Entry of ſtatutes merchant.

X. *ſect.* 6. The whole tenor and contents of all ſtatutes-merchant and ſtatutes of the ſtaple, ſhall within ſix months after knowledging, be entered in the office of the clerk of the recognizances in chancery, by the ſhewing forth of the ſaid ſtatute-merchant or ſtatute-ſtaple ſo knowledged unto the ſaid clerk, which ſaid clerk of recognizance ſhall enter into a book for that purpoſe to be provided and ſafely kept by him, taking eight pence and no more for every ſuch entry.

Entry within four months.

XI. *ſect.* 7. If the party to whom any ſtatute-merchant or of the ſtaple ſhall be knowledged, his executors or adminiſtrators, ſhall not within four months after the knowledging of any ſuch ſtatute, bring and deliver unto the ſaid clerk or his deputy all ſtatutes ſo knowledged to him or to his uſe, that the ſaid clerk may take and enter a true copy thereof, every ſuch ſtatute-merchant and of the ſtaple not ſo entered, ſhall be void againſt all ſuch perſons and bodies politick and corporate, their heirs, ſucceſſors, executors, adminiſtrators and aſſigns only, as ſhall, after the knowledging of the ſaid ſtatutes, purchaſe for good conſideration the lands which were liable to the ſame ſtatute-merchant or the ſtaple.

Penalty on clerks neglecting.

XII. *ſect.* 8. And if the ſaid clerk ſhall not, upon ſuch ſhewing and delivering of any ſtatute-merchant or of the ſtaple, enter the ſame in his ſaid book within ſix months, and alſo indorſe upon every ſuch ſtatute ſo entered, the day and year of the entry, with their own name, every ſuch clerk failing in that behalf, ſhall forfeit for every ſtatute-merchant and of the ſtaple ſo brought unto them, and not entered and indorſed as aforeſaid, twenty pounds; the one moiety whereof to be to the King, and the other moiety to them that will ſue for the ſame in any court of record.

Fees for ſearches.

XIII. *ſect.* 9. No clerk of the ſaid recognizances ſhall take for any ſearch to be made for any ſtatute-merchant or of the ſtaple ſo to be entered, above two pence

pence for one year's search, and ſo after the rate of two pence for every year, upon pain to forfeit to the parties grieved thereby, twenty times as much as he ſhall take contrary to this act, to be recovered in any court of record by action of debt, &c. wherein no protection or wager of law ſhall be allowed. *Eng. Stat.* 27 *Eliz. cap.* 4.

XIV. *ſect.* 10. Every feoffment, gift, grant, alienation, and conveyance of lands, goods and chattels, or of any leaſe, rent, common, or other profit or charge out of the ſame, and every bond, judgment, and execution to be had or made for any intent or purpoſe before expreſſed, ſhall only as againſt that perſon whoſe actions, &c. by ſuch fraudulent practices mought be delayed or defrauded, be void. Saving.

XV. *ſect.* 11. All parties to ſuch fraudulent conveyance, judgments, &c. or being privy to and knowing the ſame, which ſhall wittingly avow, defend, or juſtify the ſame, as true or made *bona fide* and upon good conſideration, or ſhall alien or aſſign any the lands, goods, &c. to them conveyed as is aforeſaid, ſhall incur the forfeiture of one year's value of the ſaid lands, leaſes, &c. and the whole value of the goods, and alſo ſo much money as ſhall be contained in any ſuch covenous and feigned bonds, the one moiety whereof to be to the King, and the other moiety to the parties grieved, to be recovered in any court of record by action of debt, &c. wherein no eſſoign, &c. ſhall be admitted for the defendants, and alſo being thereof convicted, ſhall ſuffer imprisonment for one half year without bail or mainprize. Parties and privies.

XVI. *ſect.* 12. Common recoveries of lands had againſt tenant in *tail*, or other tenant of freehold, the reverſion or remainder then being in any other perſon, ſhall as touching ſuch perſons which then had any remainder or reverſion, and the heirs of them, be of ſuch force and effect, as the ſame ſhould have been if this act had never been made. Common recoveries.

XVII. *ſect.* 13. This act ſhall not extend to make void any eſtate or conveyance, by reaſon whereof any perſons ſhall uſe any voucher in a writ of *formedon*. Voucher in formedon.

XVIII. *ſect.* 14. This act ſhall not extend to any eſtate or intereſt in lands, &c. goods or chattels, made upon good conſideration, and *bona fide* conveyed or aſſured to any perſons or bodies politick or corporate, not having at the time of ſuch conveyance notice of ſuch fraud or colluſion. *Eng. Stat.* 13 *Eliz. cap.* 5. Notice of fraud.

XIX. *Stat.* 7 *Will.* 3. *cap.* 12. *ſect.* 1. All leaſes, eſtates of freehold or terms of years, or any uncertain intereſt in any lands, tenements, or hereditaments, made by livery and ſeiſin only, or by parol, and not put in writing and ſigned by the parties making the ſame, or their agents thereunto authorized by writing, ſhall have the force of leaſes at will only, and ſhall not either in law or equity be taken to have any greater effect, any conſideration for making ſuch parol leaſes or eſtates, &c. notwithſtanding. Parol leaſes.

XX. *ſect.* 2. Except leaſes not exceeding the term of three years from the making, whereupon the rent reſerved ſhall amount unto two third parts at leaſt of the improved value. Leaſes for three years.

XXI. *ſect.* 3. No leaſes, eſtates, or intereſts, either of freehold or terms of years, or any uncertain intereſt, not being copyhold or cuſtomary intereſt, of lands or hereditaments, ſhall be aſſigned, granted, or ſurrendered, unleſs it be by deed or note in writing, ſigned by the party or their agents thereunto authorized by writing, or by operation of law. No intereſt to paſs but by writing.

Actions againſt executors, &c.

XXII. *ſect.* 4. No action ſhall be brought whereby to charge any executor or adminiſtrator, upon any ſpecial promiſe, to anſwer damages out of his own eſtate, or whereby to charge the defendant, upon any ſpecial promiſe, to anſwer for the debt or default of another, or to charge any perſon upon any agreement made upon conſideration of marriage, or upon any contract or ſale of lands or tenements, or any intereſt in them, or upon any agreement that is not to be performed within one year from the making, unleſs the agreement upon which ſuch action ſhall be brought, or ſome memorandum or note thereof, ſhall be in writing and ſigned by the party to be charged therewith, or ſome other perſon by him authorized.

Contracts for goods.

XXIII. *ſect.* 17. No contract for the ſale of goods, for the price of 10*l.* or upwards, ſhall be good, except the buyer accept part of the goods, or give ſomething in earneſt to bind the bargain, or that ſome note in writing of the bargain be made and ſigned by the parties to be charged by ſuch contract, or by their agents lawfully authorized. *Eng. Stat.* 29 *Car.* 2. *cap.* 3.

Creditors by ſpecialty.

XXIV. *Stat.* 4 *Ann. cap.* 5. *ſect.* 2. All wills, diſpoſitions, or appointments of lands or tenements, or of any rent, profit, term, or charge out of the ſame, whereof any perſons at the time of their deceaſe ſhall be ſeiſed in fee-ſimple in poſſeſſion, reverſion, or remainder, or have power to diſpoſe of the ſame, by their laſt wills, ſhall be deemed, only as againſt creditors, by bond or ſpecialty binding the heir, to be fraudulent and void.

Actions againſt heirs, &c.

XXV. *ſect.* 3. Every ſuch creditor ſhall have his action of debt upon his bonds and ſpecialties, againſt the heirs at law of ſuch obligors, and ſuch deviſees jointly; and ſuch deviſees ſhall be liable for a falſe plea, in the ſame manner as any heir ſhould have been, or for not confeſſing the lands or tenements to him deſcended.

Payment of debts and portions.

XXVI. *ſect.* 4. Where there ſhall be any limitation or diſpoſition of lands or tenements for the raiſing or payment of juſt debts or portions for children, other than the heir at law, in purſuance of any marriage-contract or agreement in writing made before marriage, the ſame ſhall be in force.

Alienation by heir at law.

XXVII. *ſect.* 5. Where any heir at law ſhall be liable to pay the debt of his anceſtor, in regard of any lands or tenements deſcending to him, and ſhall alien the ſame before any action brought, ſuch heir at law ſhall be anſwerable for ſuch debt in an action of debt, to the value of the land by him aliened; in which caſes all creditors ſhall be preferred as in actions againſt executors; and ſuch execution ſhall be taken out upon any judgment obtained againſt ſuch heir to the value of the land, as if the ſame were his own debt, ſaving that the lands *bona fide* aliened before the action brought, ſhall not be liable.

Plea of the heir.

XXVIII. *ſect.* 6. Where any action of debt upon ſpecialty is brought againſt any heir, he may plead *riens per diſcent* at the time of the original writ brought or the bill filed, and the plaintiff may reply that he had lands, tenements, or hereditaments, from his anceſtor, before the original writ brought, or bill filed.

Writ of enquiry.

(2) And if upon iſſue joined, it be found for the plaintiff, the jury ſhall inquire of the value of the lands deſcended, and thereupon judgment ſhall be given and execution awarded, but if judgment be given againſt ſuch heir, by confeſſion of the action, without confeſſing the aſſets deſcended, or upon demurrer, or *nihil dicit*, it ſhall be for the debt and damages, without any writ to inquire of the tenements deſcended.

Deviſee chargeable.

XXIX. *ſect.* 7. Every deviſee made liable by this act ſhall be chargeable in

in the ſame manner as the heir at law, notwithſtanding the lands deviſed ſhall be aliened before action brought. *Eng. Stat. 3 & 4 Will. & Mar. cap. 14.*

Galway.

I. *Stat. 17 & 18 Car. 2. cap. 2. ſect. 37. Authority is given to the chief governors and council to eſtabliſh rules for the better regulating cities, &c.* (See Tit. **Corporations**) *under which power the following rules and orders were made for regulating the corporation of the town of* Galway. New rules.

II. *Firſt*, That upon all elections of any perſons to ſerve in the offices of mayor, ſheriff, recorder, or town clerk of the ſaid corporation, the names of the perſons elected to ſerve in the ſaid offices ſhall be, by the ſaid corporation, preſented to the lord lieutenant or chief governors, and the privy council, to be approved of by them, and the perſons elected, for any of the ſaid offices, ſhall be incapable of ſerving until they ſhall be reſpectively approved of by the lord lieutenant, or chief governors, and the privy council, by order under their hands. Election of officers.

(2) And in caſe the perſons, or any of them, whoſe name ſhall be ſo preſented, ſhall not be ſo approved of within ten days after their name ſhall be preſented, the ſaid corporation ſhall proceed to a new election of fit perſons for the ſaid reſpective offices, for which the perſon ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names, until they ſhall have choſen ſuch perſons for the ſaid reſpective offices as ſhall be approved of as aforeſaid. Approbation in ten days.

(3) This rule ſhall not extend to the election of any perſons that ſhall be elected in the place of any of the ſaid officers annually choſen, who ſhall die within the year of their execution of the ſaid reſpective offices, or within one month before they are to enter upon the execution thereof. Officers dying.

III. *Secondly*, No perſon ſhall be hereafter choſen warden of Galway, but ſuch perſon as ſhall be nominated to the ſaid office by the lord lieutenant or chief governors. Warden.

IV. *Thirdly*, No perſons elected either mayor, recorder, ſheriffs, treaſurer, aldermen, town clerk, or one of the common council, within the ſaid town or corporation, or maſter, or wardens of any corporation, guild or fraternity, within the ſaid town or corporation, ſhall be capable of holding any the ſaid offices, until they ſhall have taken *the oath of ſupremacy*, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices. Oaths to be taken.

The oath of ſupremacy is abrogated, and other oaths appointed to be taken (See Tit. **Oaths.**) *and another oath, commonly called the little oath, required by this rule, is taken away by* Stat. 4 Geo. 1. cap. 3. *See Tit.* **Corporations, &c.**

(2) The ſaid oaths to be taken before ſuch perſon or perſons as ſhall admit them to the ſaid ſeveral offices, and upon any ſuch perſons refuſal to take the ſaid oaths, the election of ſuch perſons into any the ſaid offices is to be void, ſuch perſons only excepted, with whoſe taking the ſaid oath of ſupremacy the lord lieutenant or chief governors ſhall think fit, by writing under their hand, by name, to diſpenſe. Refuſal to take the oaths.

V. *Fourthly*, The mayor, ſheriffs, recorder, town clerk, and all other officers of the ſaid town of Galway, ſhall be elected only by the mayor, ſheriffs, and common council of the ſaid town, or the greater number of the votes of ſuch Majority of votes.

of

of the common council as ſhall be preſent on the days whereon ſuch elections are to be uſually made.

Freemen. (2) And no freeman, or other perſon, who ſhall not be of the common council of the ſaid town, ſhall have any vote in the election of any officers in the ſaid town.

Common council. (3) And no matter relating to the affairs of the ſaid town ſhall be hereafter propounded or debated in the Tholſel, or any general aſſembly of the ſaid town, until the ſame ſhall have firſt paſt the common council, and the perſons offending againſt this rule ſhall be diſfranchiſed by the mayor and common council of the ſaid town.

VI. *The fifth rule is the ſame with reſpect to the town of Galway, as the general rule for admitting ſtrangers, free of all other corporations.* See Tit. Corporations, ſec. Par. 5.

Rules perpetual. VII. Theſe rules for ever to continue in force within the ſaid town of Galway and the corporations thereof, and the ſame to be forthwith inrolled in the chancery.

Given at the council chamber in Dublin the three and twentieth day of September 1672.

Freeholders of the county. VIII. *Stat.* 4 *Geo.* 1. *cap.* 15. *ſect.* 1. It ſhall be lawful for the ſheriffs of the county of the town of Galway, to iſſue their ſummons to any proteſtant freeholder, having forty ſhillings a year in the county of Galway, to attend and ſerve on any grand or petty jury for the trial of iſſues depending in the ſaid county of the town of Galway, in any plea of the crown, whether capital or not, and ſuch freeholders are hereby qualified and are required to ſerve upon any ſuch jury within the county of the ſaid town, and ſuch verdict as ſhall be given ſhall be as valid as if the iſſue had been tried by the freeholders of the county of the ſaid town of Galway.

Grand juries from the county. IX. *ſect.* 2. It ſhall be lawful for the ſheriffs of the county of the ſaid town, on every *venire facias*, *diſtringas*, *habeas corpora*, writ, or precept directed to them, to ſummon a competent number of the freeholders of the county of Galway, being proteſtants, to attend on every grand inqueſt and trial in any plea of the crown, at the aſſizes, or any commiſſion of *oyer and terminer*, or gaol delivery there to be had, or at any trial at bar in his Majeſty's court of king's bench, Dublin, in any plea of the crown, in ſuch manner as they might have done to the freeholders of the county of the ſaid town, under ſuch penalties and forfeitures, and in the ſame manner, and with the like benefit of challenges, as if they were freeholders within the ſaid county of the town of Galway.

Fines to be eſtreated. X. *ſect.* 3. All fines and iſſues which ſhall be returned or impoſed on freeholders of the county of Galway, for not appearing on juries in the county of the town of Galway, or for miſbehaving themſelves thereon, ſhall be eſtreated into the exchequer.

habitants reſident. XI. *ſect.* 4. No perſons ſhall be elected mayor, or ſheriffs, or common council men, who ſhall not be inhabitants within the ſaid town and liberties thereof, at the time of being elected into any of the ſaid offices, and that have not been reſident for the ſpace of one whole year before ſuch election.

(2) It

(2) It ſhall be lawful for the lord chancellor, &c. by commiſſion under the great ſeal to appoint perſons, not exceeding four in number, being inhabitants of the town of Galway or the liberties thereof, to be juſtices of the peace and *quorum* during his Majeſty's pleaſure, in the county of the ſaid town and the liberties thereof. Juſtices of peace.

(3) Which perſons ſo appointed ſhall have the ſame authority, within the ſaid county of the town and liberties thereof, as juſtices of the peace and *quorum* by virtue of ſuch commiſſion, as any other juſtice of the peace by charter or otherwiſe within the county of the ſaid town or liberties thereof. Same authority.

XII. *ſect.* 5. All perſons who profeſs themſelves of any trade or handy craft that ſhall reſide in the ſaid town of Galway in order to follow their reſpective trades, ſhall be free of the town and corporation of Galway, and alſo of that company or corporation to which their reſpective trades belong, without paying any thing for ſuch freedom, and ſhall continue freemen of ſuch company or corporation as long as they dwell in the ſaid town, and no longer, and ſhall be exempted from all corporation taxes and fines, for not ſerving as beadle for ſeven years, next after their coming to inhabit in the ſaid town. Freedom of corporations.

XIII. *ſect.* 6. Provided that no perſons are to have the benefit of their freedoms as aforeſaid, unleſs they have been profeſſed proteſtants for ſeven years or upwards, next before their demanding their freedoms purſuant to this act, and ſhall alſo take the uſual oaths of freemen, and alſo the oaths of *allegiance* and *ſupremacy*, and *abjuration*, and make and ſubſcribe *the declaration againſt tranſubſtantiation* before the mayor of the town, who is required to adminiſter the ſame. Proteſtants ſix ſeven years.

Game.

I. *Eng. Stat.* 13 *Ric.* 2. *cap.* 13. No artificer, labourer, nor other layman which hath not lands to the value of 40s. by year, nor any prieſt nor clerk, if he be not advanced to the value of 10l. by year, ſhall keep any greyhound, hound, or other dog to hunt, nor ſhall uſe ferrets, hays, nets, harepipes, cords or other engines to take or deſtroy deer, hares, or conies, or other gentlemens game, upon pain of one year's impriſonment, and the juſtices of peace ſhall inquire of the offenders in this behalf, and puniſh them by the pain aforeſaid. Qualification to keep dogs, &c.

II. *Stat.* 10 *W.* 3. *cap.* 8. *ſect.* 1. Every law now in force for the better preſervation of the game, and of the fiſh in the ſeveral rivers, loughs and ponds of this kingdom, not hereby altered or repealed, ſhall be put in execution under the penalties therein contained, to be levied and diſpoſed of as by the ſaid laws is directed. Laws for game.

III. *ſect.* 2. No perſon not having an eſtate of freehold in his own, or his wife's right, of the yearly value of forty pounds, or a perſonal eſtate of the value of one thouſand pounds, over and above all debts, either for himſelf or as ſervant to any other, unleſs he be ſuch ſervant as hath no other way of livelihood for his wages from ſuch perſon, ſhall keep any hound, beagle, greyhound or land ſpaniel, except whelps under the age of twelve months, which ſhall be kept at nurſe for perſons qualified within this act, on pain that ſuch hound, &c. or ſpaniel, ſhall be ſeized by any juſtice of the peace of the counties where the ſame ſhall be ſo kept, or by any perſons authorized by warrant under Qualification of forty pounds a year.

under the hand and ſeal of ſuch juſtice, or by any perſon having a freehold of the yearly value of forty pounds or upwards, within ſuch county, which juſtice of the peace and freeholder reſpectively ſeizing ſuch hound, &c. or ſpaniel, may detain or otherwiſe diſpoſe of them as they ſhall think fit.

Penalty for offences.

(2) And all perſons keeping ſuch hound, &c. or ſpaniel contrary hereunto, and being thereof convict before ſome juſtice of the peace of the county where ſuch offence ſhall be committed, on the oath of one credible witneſs, ſhall for every ſuch offence forfeit five pounds, to be levied by warrant of ſuch juſtice by diſtreſs and ſale of the goods of ſuch offender, &c. one moiety thereof to the informer, the other moiety to be iſſued for the uſe of the poor of the pariſh where ſuch offence ſhall be committed. *Eng. Stat.* 1 *Jac.* 1. *cap.* 27. *ſect.* 3.

Concealing or covering.

. IV. *ſect.* 3. No perſon qualified within the meaning of this act ſhall conceal or cover any ſuch hound, &c. or ſpaniel, for any perſons not qualified to keep the ſame, on pain that ſuch perſon offending, ſhall, for every ſuch offence, forfeit forty pounds, to be recovered by action, &c. in any court of record in Dublin; the one moiety of ſuch forfeiture to be to the King, the other moiety thereof to them that will ſue for the ſame.

Papiſts fowlers.

V. *ſect.* 4. No papiſt or reputed papiſt ſhall be employed as fowler for any proteſtant, or under colour thereof, ſhall keep, carry, or uſe any fire arms; and if any fire arms ſhall be found in the poſſeſſion of any ſuch papiſt or reputed papiſt, not qualified to keep the ſame by the laws now in force, the ſame ſhall be ſeized by warrant of any juſtice of the peace of the county where the ſame ſhall be found.

Warrants to be granted.

(2) Which warrant, ſuch juſtice on information to him given, is required to grant, and ſuch fire arms as ſhall be ſo ſeized, ſhall immediately after ſuch ſeizure become the property of the perſons giving information touching the ſame, notwithſtanding that ſuch fire arms at the time when the ſame were ſo ſeized in the poſſeſſion of ſuch papiſt or reputed papiſt, did really belong to ſome proteſtant or perſon qualified to keep fire arms.

Burning heath.

VI. *ſect.* 7. No perſon ſhall burn on any mountain, bog, heath, or waſte ground, any grig, ling, furs, heath, goſs or fern, at any other ſeaſon of the year, ſave only between the fourteenth day of June and the ſecond day of February in every year, on pain that every perſon offending, ſhall, for every ſuch offence, forfeit five pounds; ſuch offence to be heard and determined by ſuch juſtices of the peace as aforeſaid, and the forfeiture for the ſame levied *on the goods of the offender by warrant under the hand and ſeal of ſuch juſtices, and paid one moiety to the poor of the pariſh where the offence ſhall be committed, and the other to the informer*, &c.

Tracing hares in ſnow, &c.

VII. *ſect.* 8. No perſons ſhall trace hares or other game in the ſnow, nor ſhall deſtroy the eggs, or neſt of partridge, pheaſant, grouſe, quail, duck or other wild fowl; nor ſhall any perſons not having freehold eſtate of forty pounds *per annum*, or perſonal eſtate to the value of one thouſand pounds, ſhoot at, kill, take or deſtroy hares, partridge, pheaſant, grouſe or quail, or any houſe dove or pigeon, other than ſuch as ſhall be in, or belonging unto the dove houſe or pigeon houſe of the perſons ſo ſhooting at, killing or deſtroying the ſame.

Penalty.

(2) Every perſon offending in any of the particulars aforeſaid, ſhall, for every ſuch offence, being thereof convict before one juſtice of the peace of the county where the ſame ſhall be committed, or the offender apprehended, forfeit ten ſhillings, the one moiety thereof to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, to be paid to the church-wardens of ſuch

pariſh

pariſh for ſuch uſe, the other moiety to them who ſhall inform and proſecute for the ſame, or otherwiſe ſhall be publickly whipt, at the diſcretion of the juſtice before whom they ſhall be convict.

VIII. *ſect.* 9. Nothing herein contained ſhall extend to reſtrain tenants to any perſons not reſtrained by this act, from having and keeping any hound, beagle, ſpaniel or greyhound for the uſe of their landlord, ſo as ſuch tenant ſhall not hunt, courſe, or make uſe of ſuch hound, &c. but in the company and attendance of his landlord only. Keeping dogs for others.

IX. *ſect.* 10. No perſon not having an eſtate of freehold of the yearly value of one hundred pounds, or a perſonal eſtate of the value of one thouſand pounds, ſhall keep any ſetting dog, other than ſuch perſons as ſhall be licenſed thereunto, by the juſtices of peace of the county where he ſhall live, at the general quarter ſeſſions of the peace to be held for ſuch county next after Chriſtmas in every year, in order to the training up ſetting dogs, and that under ſuch regulations only as ſhall be ſpecified in ſuch licence. Setting dogs.

(2) And ſuch perſons ſhall every two years, during the continuance of ſuch their licence, teach one or more hounds to hunt on dry foot, and in default thereof ſuch licence ſhall become of no force, and ſhall be deemed ſo to have been from the granting the ſame, and the perſons to whom the ſame was granted, ſhall be liable to the ſame penalties, as if they had acted without ſuch licence. Teaching ſetters.

X. *ſect.* 11. No perſon keeping a gun to fowl with as ſervant to any perſon, not reſtrained by this act from keeping the ſame, ſhall ſell or diſpoſe of any fowl or game they ſhall kill, but ſhall bring all ſuch fowl or game to their maſter's houſe, on pain that every perſon offending, ſhall for every ſuch offence forfeit twenty ſhillings; the ſaid offence to be heard and determined by ſuch perſons, and the forfeiture levied and diſtributed, and divided in ſuch manner as is herein before appointed. *See Par.* 6. Selling fowl or game.

(2) No non-commiſſioned officer or private ſoldier, ſhall be permitted to go out of his quarters with any fire arms, unleſs the ſame be on a march or a commanded party, by command of the officer in chief then preſent and commanding in ſuch quarters, on pain that ſuch non-commiſſioned officer and private ſoldier being thereof convict before ſome juſtice of the peace for the county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit five ſhillings, to be paid to ſuch perſons as ſhall give information of, and make out ſuch offence before ſuch juſtice, and to be levied on the warrant of ſuch juſtice, by diſtreſs and ſale of goods of the perſon offending, rendering the overplus to the party diſtrained; and in caſe no ſufficient diſtreſs ſhall be found, the perſons ſo offending ſhall, by warrant of ſuch juſtice be ſent to the common gaol for ſuch county, there to be kept in cloſe cuſtody without bail or mainprize for ten days. Soldiers going out with arms.

(3) And the officer in chief in ſuch quarters to which ſuch offender ſhall then belong, ſhall on demand render the body of the offender into the hand of the juſtice or other civil magiſtrate to be dealt with according to law, and in caſe ſuch officer ſhall refuſe to deliver up ſuch offender, ſuch officer being thereof convict before one juſtice of the peace of the county where ſuch quarters ſhall be, ſhall for ſuch offence forfeit five pounds, to be levied on the warrant of ſuch juſtice, by diſtreſs and ſale of the goods of ſuch officer, rendering the overplus if any be, one moiety whereof ſhall be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other moiety Officers to deliver up offenders.

to them that ſhall inform of, and make out ſuch offence before ſuch juſtice.

Officers ſhooting or courſing game.

XI. *ſect.* 12. No commiſſioned officer, or any perſon employed under him, ſhall ſhoot, or courſe with greyhounds any deer, hare, or other game, except on his own ground, or by the permiſſion firſt had of the owner of the ground where they ſhall ſo hunt or courſe, on pain of forfeiture of five pounds for every ſuch offence; which offences ſhall be heard and determined before one juſtice of the peace for the county where the ſame ſhall be committed; and the ſaid forfeiture to be levied, diſtributed and divided in the manner herein before appointed.

Search warrants.

XII. *ſect.* 13. Every conſtable or other perſon authorized by warrant of one juſtice of the peace, ſhall have power, and is hereby required to enter into and ſearch, in ſuch manner and with ſuch power as in caſe where goods are ſuſpected to be ſtolen, the houſes or other places belonging to ſuch houſes of ſuſpected perſons not qualified as aforeſaid.

Finding veniſon or game.

(2) And in caſe any veniſon, hare, partridge, pheaſant, pidgeon, fiſh, fowl, or other game, ſhall be found, the offender ſhall be carried before ſome juſtice of the peace of the ſame county; and if ſuch perſon do not give a good account how he came by ſuch game, &c. as ſhall ſatisfy the ſaid juſtice, that the ſame was not taken contrary to this act, or ſhall not in ſome convenient time to be ſet by the ſaid juſtice, not exceeding ſix days, produce the party of whom he bought the ſame, or ſome other credible perſon to depoſe upon oath ſuch ſale thereof, ſuch perſon ſhall be convicted by the ſaid juſtice of ſuch offence, and ſhall forfeit for every hare, partridge, pheaſant, pidgeon, fiſh, fowl, or other game or veniſon, any ſum not under five, and not exceeding twenty ſhillings, to be aſcertained by the ſaid juſtice, one moiety thereof to be paid to the informer, and the other moiety to the poor of the pariſh where ſuch offender ſhall live, the ſaid forfeiture to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the juſtice before whom the offender ſhall be convicted, rendering the overplus, if any be, and for want of diſtreſs the offenders ſhall be committed to the houſe of correction, for any time not exceeding one month, and not leſs than ten days, there to be whipped and kept to hard labour.

Evidence of innocence.

(3) And in caſe any perſon charged with the ſaid offence, ſhall not before the ſame juſtice give ſuch evidence of his innocence as aforeſaid, he ſhall be convicted thereof in the ſame manner as the perſon firſt charged therewith is hereby directed to be, and ſo from perſon to perſons till the firſt offender ſhall be diſcovered. *Eng. Stat.* 4 & 5 *Will.* & *Mar. cap.* 23. *ſect.* 3.

Appointing game keepers.

XIII. *ſect.* 14. All lords of manors or other royalties, not under the degree of an eſquire, may by writing under their hands and ſeals authorize game keepers within their reſpective manors or royalties, who may ſeize all ſuch guns, hounds, greyhounds, beagles, land ſpaniels or ſetting dogs, as within the precincts of ſuch reſpective manors or royalties, ſhall be uſed by perſons who by this act are prohibited to keep or uſe the ſame.

Search for game.

(2) And the ſaid game keepers or other perſons being authorized by warrant of any juſtice of the ſame county, may in the day-time ſearch the houſes or other places of any perſons by this act prohibited to keep or uſe the ſame, as upon good ground ſhall be ſuſpected to have any guns, hounds, greyhounds, beagles,

beagles, land ſpaniels or ſetting dogs, and the ſame to ſeize and keep for the uſe of the lord of the manor or royalty where the ſame ſhall be found.

Reſiſting offenders.

XIV. *ſect.* 15. All lords of manors or other royalties, not under the degree of an eſquire, or perſons ſo authorized by them, may within their reſpective manors or royalties oppoſe and reſiſt ſuch offenders in killing or deſtroying the game contrary to this act in the night time, in the ſame manner and be equally indemnified for ſo doing, as if ſuch fact had been committed within any ancient chaſe, park, or warren. *Eng. Stat.* 4 & 5 *Will. & Mar. cap.* 23. *ſect.* 4.

Detaining perſons convicted.

XV. *ſect.* 16. It ſhall be lawful after ſuch conviction as aforeſaid, to the conſtable or other perſons proſecuting, to detain in cuſtody ſuch offenders, in caſe they ſhall not preſently pay the monies due by ſuch conviction, during ſuch reaſonable time as a return may be conveniently made to the warrant for the diſtreſs upon ſuch conviction, ſo as ſuch detainer do not exceed two days.

Penalty of other laws.

XVI. *ſect.* 17. Where any offender ſhall be puniſhed by force of this act, he ſhall not be proſecuted upon, nor incur the penalty of any other law for the ſame offence.

General iſſue.

XVII. *ſect.* 18. Perſons ſued or proſecuted for any thing which they ſhall do in purſuance of this act, may plead the general iſſue, &c. and if the verdict ſhall paſs with the defendants, or the plaintiffs become nonſuit or ſuffer diſcontinuance thereof, ſuch defendants ſhall have treble coſts. *Eng. Stat.* 4 & 5 *Will & Mar. cap.* 23. *ſect.* 8, 9.

Apprentices, &c.

XVIII. *ſect.* 19. If any *tradeſmen, apprentices, and other diſſolute perſons,* ſhall hunt, hawk, fiſh or fowl, unleſs in company with the maſter of ſuch apprentice duly qualified by law, ſuch perſons ſhall be liable to the ſame penalties as the perſons on whom game ſhall be found, are liable to by this act, and may alſo be ſued for their wilful treſpaſs in coming on any perſons land, and if found guilty thereof, the plaintiff ſhall not only recover his damages, but full coſts of ſuit. *Eng. Stat.* 4 & 5 *Will. & Mar. cap.* 23. *ſect.* 10..

Licence to keep dogs.

XIX. *ſect.* 20. Nothing herein contained ſhall reſtrain any perſon within any manor, from keeping hounds, beagles, greyhounds, ſpaniels or ſetting-dogs within the ſame, ſo as the ſame be allowed of and kept with the permiſſion of the lord of the manor, in which the ſame ſhall be kept, appearing by licence under the hand and ſeal of ſuch lord of the manor.

XX. *Stat.* 19 *Geo.* 2. *cap.* 14. *ſect.* 1. Notwithſtanding *an act of parliament made in the tenth year of King* William *the third, for the preſervation of the game,* &c. all his Majeſty's proteſtant ſubjects may keep and uſe arms neceſſary for the defence of his Majeſty, the eſtabliſhed government of this kingdom, their perſons and properties only; and nothing in the aforementioned act of parliament, ſhall extend to impower any juſtice of the peace or other perſon, to take from any proteſtant ſuch arms as they ſhall keep or uſe in manner aforeſaid.

XXI. *ſect.* 2. Provided that nothing herein contained ſhall extend to enable any perſon not qualified by the ſaid act, to kill or deſtroy any game mentioned in the ſaid act.

Pheaſants and partridge.

XXII. *Stat.* 25 *Geo.* 2. *cap.* 5. *ſect.* 1. No perſon ſhall take, kill or deſtroy any pheaſant from the firſt day of February to the firſt day of September, or

any partridge, quail or grouſe from the firſt day of February to the firſt day of Auguſt in any year.

Buying or ſelling game.

XXIII. *ſect.* 2. Every perſon who ſhall take, kill, or deſtroy, or who ſhall ſell or expoſe to ſale, or who ſhall buy or cauſe to be bought any pheaſant, partridge, quail or grouſe, within the reſpective times before mentioned, ſhall for every pheaſant, partridge, quail or grouſe ſo taken, killed or deſtroyed, ſold, expoſed to ſale or bought, forfeit five pounds for every offence, to be levied by diſtreſs and ſale of the goods of the offender: and in caſe of inſolvency the party offending ſhall ſuffer impriſonment for three months.

Buying or ſelling hares.

XXIV. *ſect.* 3. No perſon ſhall buy or cauſe to be bought, ſell, or expoſe to ſale any hare, from the firſt day of February to the firſt day of October, under the penalty of five pounds for each hare ſo bought or ſold, to be recovered as herein after is directed.

One juſtice.

XXV. *ſect.* 4. All offences againſt this act ſhall be inquired into and determined either by the oath of one credible witneſs, or by the confeſſion of the parties accuſed, before any one juſtice of the peace for the county where the offence ſhall be committed, or where the offender ſhall be found, and ſuch juſtice is hereby impowered to iſſue his warrant for the diſtraining and ſale of the goods of the party offending, in order to raiſe the penalty aforeſaid, or if he ſhall be inſolvent, for committing the party for the time before limited to the county gaol.

Informers.

XXVI. *ſect.* 5. All forfeitures to be incurred for any offence againſt this act, ſhall when recovered, be paid to the informer or proſecutor.

General iſſue.

XXVII. *ſect.* 6. If any perſon ſhall be ſued for any thing done in execution of this act, they may plead the general iſſue, and give this act and the ſpecial matter in evidence, and the judges ſhall allow thereof.

This act is continued by Stat. 1 *Geo.* 3. *cap.* 17. *ſect.* 14. *until the firſt day of May* 1769, *and to the end of the then next ſeſſion of parliament.*

Partridge.

XXVIII. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 20. No perſon ſhall upon any pretence take with nets, or otherwiſe kill or deſtroy any partridge, from the firſt day of February to the firſt day of September, under the penalty of forfeiting five pounds for every offence, one moiety of which forfeiture ſhall be paid to the informer, and the other moiety to be paid to the uſe of the poor of the pariſh in which ſuch offence ſhall be committed.

Wild turkies.

XXIX. *Stat.* 31 *Geo.* 2. *cap.* 9. *ſect.* 3. The killing and deſtroying of wild turkies, ſhall be ſubject and liable to the ſame penalties and forfeitures, that the deſtroying of pheaſants, partridge, and quails, are made liable to, by *Stat.* 25 *Geo.* 2. *cap.* 5.

Continuation.

XXX. *Stat.* 1 *Geo.* 3. *cap.* 17. *ſect.* 14. An act paſſed 25 *Geo.* 2. *cap.* 5. *for the better preſervation of the game*, ſhall be revived and continue until the firſt day of May 1769, and from thence to the end of the then next ſeſſion of parliament.

Scarcity of game.

XXXI. *Stat.* 3 *Geo.* 3. *cap.* 23. *ſect.* 1. *Whereas there is reaſon to apprehend from the preſent ſcarcity of the game, that the ſeveral laws heretofore enacted for the preſervation thereof, have proved ineffectual: for remedy whereof, and to the end that the rights of perſons of landed property to the game, on their reſpective eſtates*

and

and lands, may henceforth be better known and aſcertained, and may be the leſs liable to encroachments or invaſions of others, all the articles and clauſes in the laws now in force in this kingdom, for the better preſervation of the game, which are not hereby altered, ſhall have and retain the ſame force and duration as before the making of this act. Former laws in force.

XXXII. *ſect.* 2. All perſons ſeized in their own rights, or in the right of their wives, of any legal or equitable eſtate (and not as a truſtee or mortgagee) in lands in fee ſimple, fee tail, as tenant by the curteſy, or in dower, or as tenant for life under any will, deed, or ſettlement, ſhall have the ſole and abſolute property in all kind and ſpecies of game on their reſpective eſtates and lands. Owners of eſtates in fee or for life. Property in game.

XXXIII. *ſect.* 3. No perſon, except thoſe herein after provided for, ſhall go or enter upon the land of any other perſon to look for, ſet, ſpring, ſhoot, ſtart, courſe, hunt, hawk, or otherwiſe purſue or take any ſort of game, unleſs in company with the owner, or ſome one of the owners (if there be more than one) of the inheritance of ſuch land, or with the tenants for life of ſuch land, not ſubject to any rent (quit or crown rent only excepted) or by a licence for that purpoſe, under the hand of ſuch inheritor or tenant for life, firſt obtained, and every perſon offending in any of the particulars herein ſet forth, being thereof convicted at the proſecution of ſuch inheritor or tenant for life, or of the occupier of ſuch land, before two juſtices of the peace of the county where ſuch offence ſhall be committed, either on the offending parties own confeſſion, or on the oath of one credible witneſs, ſhall for every ſuch offence forfeit ten pounds, to be levied by warrant of ſuch juſtice of the peace before whom ſuch offender ſhall be convicted, by diſtreſs and ſale of the goods of ſuch offender, returning the overplus (if any there be) to the party diſtrained, the one moiety of ſuch penalties to be paid to him who ſhall proſecute for the ſame, the other moiety to the church-wardens for the repair of the highways of the pariſh where ſuch offence ſhall be committed, and in caſe no ſufficient diſtreſs ſhall be found, the perſons ſo offending ſhall, by warrant of ſuch juſtice of the peace, be ſent to the next houſe of correction, or to the common county gaol, there to be kept in cloſe cuſtody without bail or mainprize for one month. Looking for or taking game. Licence in writing, &c. Conviction for offence. Forfeiture of ten pounds. Repair of highways, &c. A month's imprisonment.

XXXIV. *ſect.* 4. Provided, that all perſons who now are ſeized or poſſeſſed by virtue of any fee farm leaſe, or leaſe for ever, or of any leaſe for one or more life or lives, or years, and all perſons deriving under, or duly authorized by ſuch perſons, ſhall have the ſame right to look for, ſet, ſpring, ſhoot, ſtart, courſe, hunt, hawk, or otherwiſe purſue any ſort of game on the lands of which ſuch perſons are ſeized or poſſeſſed as aforeſaid, as ſuch perſons now enjoy by the laws now in force in this kingdom. Leſſees of lands. Right to take game.

XXXV. *ſect.* 5. Provided alſo, that nothing herein contained ſhall extend to deprive any perſon duly qualified, and keeping hounds of his own, of ſuch privileges of beating for hares, as he with his uſual and neceſſary attendants might have had before the paſſing of this act; provided that every ſuch proſecution be commenced within three kalendar months after the offence committed, and that the proſecutor or party convicted may appeal from every ſuch adjudication to the next going judges of aſſize for the county where ſuch offence ſhall be committed, who are hereby required to hear and determine every ſuch appeal. Keepers of hounds, &c. Limitation of proſecutions. Appeal.

XXXVI. *ſect.* 6. Provided alſo, that no colluſive proſecution ſhall bar any other perſon hereby qualified to carry on a proſecution for the ſaid offence, ſuch Colluſive proſecutions.

other

other proſecution being carried on within the ſaid three months after the offence committed.

Offences but once puniſhed.

XXXVII. *ſect.* 7. Provided that no one offence ſhall be twice puniſhed, and that where any offender ſhall be once puniſhed by force of this act, he ſhall not be liable by virtue of any other law to anſwer again for the ſame offence.

Perſons qualified, may follow game.

XXXVIII. *ſect.* 8. Provided alſo, that nothing herein contained ſhall ſubject any perſon duly qualified by the laws now in being, to hunt for or to kill game, his, or their ſervants or neceſſary attendants, to any of the penalties hereby inflicted for following or purſuing the game into the lands of other perſons.

Damages redreſſed.

XXXIX. *ſect.* 9. Provided that ſuch other perſons may have ſuch remedies, and ſuch redreſs againſt perſons ſo following their game, for any damage they ſhall do, as ſuch other perſons are intitled to for ſuch damage by the laws now in being.

Lords of manors, &c.

XL. *ſect.* 10. Provided alſo, that all lords of manors, and other royalties, ſhall have and enjoy the ſame rights and privileges concerning the game within their reſpective manors or royalties, as fully and amply in every particular, as if this act had never been made.

Partridge or quail. Grouſe.

XLI. *ſect.* 11. *The better and more effectually to prevent the killing and deſtroying the game at improper times*, no perſon ſhall take, kill, or deſtroy any partridge or quail from the firſt of February to the firſt of September in each year, or any grouſe from the firſt day of February to the firſt day of Auguſt in any year.

Killing, ſelling, or buying.

Forfeit ten pounds.

Three months impriſonment.

XLII. *ſect.* 12. Every perſon who ſhall take, kill, or deſtroy, or who ſhall ſell or expoſe to ſale, or who ſhall buy or cauſe to be bought, any partridge, quail, or grouſe, within the reſpective times before mentioned, ſhall for every partridge, quail, or grouſe ſo taken, killed, or deſtroyed, ſold, expoſed to ſale, or bought, forfeit ten pounds for every offence, to be levied by diſtreſs and ſale of the goods of the offender, and in caſe of inſolvency, the party offending ſhall ſuffer impriſonment for three months.

Hares bought or ſold.

Forfeit five pounds.

XLIII. *ſect.* 13. No perſon ſhall within the time aforeſaid buy, or cauſe to be bought, ſell or expoſe to ſale, any hare from the firſt day of February to the firſt day of October in any year, under the penalty of five pounds for each hare ſo bought or ſold, to be recovered as herein after directed.

Higlers, carriers, &c.

Partridge or quail. Grouſe. Hares.

Forfeit twenty ſhillings.

XLIV. *ſect.* 14. Every higler, common carrier, or ſtage coachman in whoſe poſſeſſion any partridge or quail ſhall be found after the firſt day of May one thouſand ſeven hundred and ſixty-four, at any time between the firſt of February and the firſt of September in each year, or in whoſe poſſeſſion any grouſe ſhall be found after the firſt day of May one thouſand ſeven hundred and ſixty-four, at any time between the firſt day of February and the firſt day of Auguſt in each year, or in whoſe poſſeſſion any hare ſhall be found after the firſt day of May one thouſand ſeven hundred and ſixty-four, at any time between the firſt day of February and the firſt day of October in each year, ſhall forfeit for every ſuch partridge, quail, grouſe, and hare, twenty ſhillings, to be recovered as herein after is directed.

Offences.

One juſtice.

XLV. *ſect.* 15. All offences againſt this act ſhall be enquired into and determined either by the oath of one credible witneſs, or by the confeſſion of the parties accuſed, before any one juſtice of the peace for the county where the offence ſhall be committed, or where the offender ſhall be found; and ſuch juſtice is hereby empowered to iſſue his warrant for the diſtraining and ſale of the

the goods of the party offending, in order to raiſe the penalty aforeſaid, or if he ſhall be inſolvent, for committing the party for the time before limited to the county gaol. Diſtreſs and ſale. Commitment, &c.

XLVI. *ſect.* 16. All forfeitures to be incurred for any offence to be committed againſt this act, ſhall, when recovered, be paid to the informer, or proſecutor. Forfeiture to the informer.

XLVII. *Stat.* 5 *Geo.* 3. *cap.* 15. *ſect.* 35. *Whereas an act paſſed in this kingdom in the third year of his preſent Majeſty*, for the better preſervation of the game, ſo far as it relates to the killing of game, and expoſing the ſame to ſale at improper ſeaſons of the year, *is found to be uſeful, and fit to be continued*; it is enacted, that all the clauſes in the ſaid act contained, which prohibit the taking and killing of game at certain ſeaſons of the year, and expoſing the ſame to ſale, and all the penalties and proviſions relative thereunto, which by the ſaid act are made and provided, ſhall be continued in force until the firſt day of May one thouſand ſeven hundred and ſixty-eight, and to the end of the then next ſeſſion of parliament. The act 3 Geo. 3. c. 23. Continuance.

XLVIII. *Stat.* 7 *Geo.* 3. *cap.* 20. *ſect.* 2. All clauſes in 3 *Geo.* 3. *for prohibiting the taking and killing game, and expoſing to ſale at improper ſeaſons*, and all penalties and proviſions relating thereto, continued from 1 May 1768, to 1 May 1770, and to the end of the then next ſeſſion. 3 G. 3. continued by 6 G. 3. c. 15. and further to 1 May 1770.

XLIX. *ſect.* 3. A clauſe in 31 *Geo.* 2. which make killing and deſtroying wild turkies liable to ſame penalties and forfeitures as deſtroying pheaſants, partridges, and quails, continued to 1 May 1770, and to the end of the then next ſeſſion. 31 G. 2. c. 9. ſ. 4.

L. *Stat.* 11 *Geo.* 3 *cap.* 1. *ſect.* 3. An act 25 G. 2. for preſervation of the game, which hath lately expired, ſhall be revived and continued in force until 24 June 1772, and to end of then next ſeſſion. 25 G. 2. c. 5. revived to 24 June 1772, &c.

LI. *ſect.* 4. A clauſe in an act 31 G. 2. which makes the killing and deſtroying wild turkies ſubject and liable to ſame penalties and forfeitures as deſtroying pheaſants, partridges, and quails, is by ſaid act 25 G. 2. revived and continued in force until 24 June 1772. And 31 G. 2. c. 9. ſ. 4. to 24 June 1772.

LII. *ſect.* 5. An act 3 G. 3. c. 23. continued in force until 24 June 1772, and to end of then next ſeſſion. And 3 G. 3. c. 23.

LIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *ſect.* 5. An act the third of his preſent Majeſty, *for preſervation of the game*; and alſo a clauſe in an act of 31 G. 2. which makes killing and deſtroying wild turkies liable to the ſame penalties and forfeitures that deſtroying pheaſants, partridges, and quails, are made liable to by 25 G. 2. ſhall continue in force for two years, and from thence to the end of the then next ſeſſion. 3 G. 3. c. 23. & 31 G. 2. c. 9. ſ. 4. continued 2 years, &c.

LIV. *Stat.* 13 & 14 *Geo.* 3. *cap.* 41. *ſect.* 2. An act 3 G. 3. *for better preſervation of the game*, and alſo one clauſe in an act 31 G. 2. which makes the killing and deſtroying of wild turkies ſubject and liable to certain penalties and forfeitures, continued to the 24th of June 1778, and to the end of the then next ſeſſion, and no longer. 3 G. 3. c. 23. 31 G. 2. c. 9. ſ. 4. continued to 24 June 1778, &c.

LV. *ſect.* 6. An act 25 G. 2. for preſervation of game, continued to 24th of June 1778, and to end of then next ſeſſion. 25 G. 2. c. 5. continued to 24 June 1778, &c.

Tracing hares in ſnow, penalty not under 10s. nor above 20s. to informer.

LVI. *Stat.* 13 & 14 *Geo.* 3. *cap.* 42. *ſect.* 6. Every perſon convicted of tracing hares in the ſnow upon any grounds not belonging to themſelves, before any one or more juſtices in county where offence committed, (ſuch juſtices empowered and required to hear and determine in a ſummary way) ſhall forfeit a ſum not leſs than ten ſhillings, nor more than twenty ſhillings, for every ſuch hare taken or killed by following the tracks in the ſnow; the ſaid penalty to be paid over by ſuch juſtices to informer or informers.

Taking or killing by night, or uſing engines,

convicted before any juſtice on one witneſs,

confined not above 2 months, nor under 1.

LVII. *ſect.* 7. If any perſon wilfully, upon any pretence whatſoever, take, kill, or deſtroy any hare, pheaſant, partridge, moor game, heath game, or grouſe, in the night, between one hour after ſun-ſetting and one hour before ſun riſing, or uſe any gun, dog, ſnare, net, or other engine for taking, killing, or deſtroying in the night, as aforeſaid, except upon their own lands, and convicted upon oath of one or more credible witneſſes, before any one or more juſtices for any county, every ſuch perſon ſhall for firſt offence be committed to common gaol or houſe of correction, without bail or mainprize, for any time not exceeding two calendar months, nor leſs than one.

Conviction drawn by the juſtice.

LVIII. *ſect.* 8. Every juſtice before whom any perſon convicted of any offence, relative to game, againſt this act, ſhall cauſe the conviction to be drawn up in the following form, or any form to ſaid effect, as the caſe ſhall happen, viz.

Be it remembered, that on the day of in the year of our Lord, A. B *is convicted before me* C. D. *one of his Majeſty's juſtices of peace for the county* (ſpecifying the offence, time and place, when and where the ſame committed, as the caſe ſhall be.) *Given under my hand and ſeal the day and year aforeſaid.*

Appeal to next aſſizes,

jury if need be;

coſts;

Recognizance by appellant with two ſureties,

final;

not quaſhed for form, nor removed by *certionari*, &c.

LIX. *ſect.* 9. Any perſon aggrieved by any thing done in purſuance of this act relative to the game, by any one or more juſtice or juſtices, may appeal to next judge of aſſize, for the county wherein the cauſe of complaint ſhall ariſe, who are required to hear and determine the ſame, and, if need be, to cauſe to be impannelled a jury to try any fact or facts, which may ariſe upon ſuch complaint, and to award ſuch coſts to parties appealing or appealed, as ſaid judges think proper; ſuch perſons appealing having firſt entered into recognizance before ſome juſtice for ſuch county, with two ſufficient ſureties, conditioned to try ſuch appeal, and abide the order of, and to pay ſuch coſts as awarded by ſaid judges of aſſize; and the determination of ſaid judges ſhall be binding and concluſive to all intents and purpoſes; and no order concerning any matters, proceedings, or convictions aforeſaid, relative to game, ſhall be quaſhed for want of form, or be removed by *certiorari*, or any other writ or proceſs whatſoever, into any courts of record at Dublin.

3 G. 3. c. 23, & 25 G. 2. c. 5. continued to 24 June, 1783, &c.

LX. *Stat.* 15 & 16 *Geo.* 3. *cap.* 32. *ſect.* 2. An act the third of his preſent Majeſty, and an act the 25th of George the ſecond, *for better preſervation of the game*, and every proviſion in ſaid acts, continued to the 24th of June 1783, and to the end of the then next ſeſſion, with the following amendments.

Deſtroying, having, ſelling, or buying grouſe between 1ſt Saturday in January and 2d Monday in Auguſt,

LXI. *ſect.* 3. Whereas many idle perſons take and deſtroy game on Sundays, when the firſt of Auguſt or September happen to fall on a Sunday: after the 24th of June 1776, every perſon, who ſhall wilfully take, kill, or deſtroy, or have in poſſeſſion, or ſell or expoſe to ſale, buy, or cauſe to be bought,

bought, any grouſe between the firſt Saturday in January and the ſecond Monday in Auguſt in any year, or any partridge or quail between the firſt Saturday in January and the firſt Monday in September in any year, ſhall be liable to ſame penalties as inflicted by ſaid acts for preſervation of game on any perſon convicted of offending.

partridge or quail 1ſt Saturday in January and 1ſt Monday in September, liable to penalties in ſaid acts.

LXII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 56. *ſect.* 6. The ſeveral clauſes relative to trawling in the bay of Dublin, and to preſervation of game, contained in an act the thirteenth and fourteenth of his preſent Majeſty, continued to 24th June 1790, and to the end of the then next ſeſſion.

13 & 14 G. 3. c. 41. continued to June 1790, &c.

LXIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 14. *ſect.* 9. Whereas an act third of his Majeſty, *for preſervation of the game*, ſo far as it relates to the killing game, and expoſing to ſale at improper ſeaſons, is found uſeful; all clauſes in ſaid act, which prohibit taking and killing game at certain ſeaſons, and expoſing to ſale, and all penalties and proviſions relative thereunto by ſaid act, ſhall be continued until twenty-fourth June 1800, and to the end of then next ſeſſion.

3 G. 3. c. 23. prohibiting killing game at certain ſeaſons, and ſelling, continued to 24 June 1800, and to end of then next ſeſſion.

LXIV. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 21. An act twenty fifth of George the ſecond, and, alſo third of his Majeſty, *for preſervation of the game*, revived and continued to twenty fourth of June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

25 G. 2 c. 5. and 3 G. 3. c. 23. continued to 24 June 1787, and end of next ſeſſion.

LXV. *ſect.* 22. A clauſe in thirty firſt of George the ſecond, which makes killing and deſtroying wild turkies liable to certain penalties; and alſo ſo much of fifteenth and ſixteenth of his Majeſty as relates to preſervation of the game, continued to twenty-fourth of June one thouſand ſeven hundred and eighty ſeven, and to end of then next ſeſſion.

31 G. 2. c. 9. ſ. 4. and 15 & 16 G. 3. c. 32. as to preſerving game, continued to 24 June 1787, and end of next ſeſſion.

LXVI. *ſect.* 23. Whereas by third of his preſent Majeſty, *for preſervation of the game*, perſons convicted of looking for or killing game ſhall ſuffer the pains and penalties thereby, and doubts have ariſen as to the meaning whereby innocent perſons may be expoſed to vexatious proſecutions under ſaid act: no perſon ſhall be conſtrued within ſaid clauſe, as looking for game, unleſs provided with a dog, gun, net, or ſome other implement or implements for taking or killing.

3 G. 3. c. 23. recited, and doubt thereon, none conſtrued *looking for game*, unleſs with dog, gun, net, or other implement.

LXVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 53. *ſect.* 1. After twenty fourth of June next every perſon who wilfully take, kill, or deſtroy, or who have in poſſeſſion, or who ſell or expoſe to ſale, or who buy or cauſe to be bought, any grouſe, between the firſt Saturday in January and the ſecond Monday in Auguſt in any year, or partridge or quail between firſt Saturday in January and firſt Monday in September, ſhall forfeit not exceeding ten pounds for every ſuch grouſe, partridge or quail; and every perſon, who ſhall buy or cauſe to be bought, ſell, or expoſe to ſale, any hare between firſt Saturday in January and firſt Monday in October, ſhall forfeit not exceeding five pounds for every hare; and every common carrier or ſtage coachman, in whoſe poſſeſſion any grouſe, found, between firſt Saturday in January and ſecond Monday in Auguſt, or partridge or quail, between firſt Saturday in January and firſt Monday in October, ſhall forfeit not exceeding five pounds for every ſuch grouſe partridge, quail, pheaſant, or hare; and every perſon who wilfully take, kill, or deſtroy grouſe, partridge, quail, pheaſant, or hare in the night between

Grouſe between 1ſt. Sat. Jan. and 2d Mon. Aug. partridge or quail 1ſt Monday Sept. 10l. forfeited, hare 1ſt Sat. Jan. and 1ſt Mon. Oct. 5l.

carrier or ſtage coachman 5l.

taking by night or Sunday 5l.

tracing hare in ſnow, 5l.

one hour after ſun ſetting and one hour before ſun riſing, or between one hour after ſun ſetting on Saturday night and one hour before ſun riſing on Monday morning, ſhall forfeit not exceeding five pounds for every ſuch grouſe, partridge, quail, pheaſant, or hare; and every perſon who ſhall take, kill, or deſtroy any hare by tracing in the ſnow ſhall forfeit not exceeding five pounds for every hare.

On oath before a juſtice where offence or where offender found,

raiſed by diſtreſs and ſale on warrant,

or committed 3 months,

half to proſecutor,

half to repair roads or ſtreets by order,

5s. to conſtables.

LXVIII. *ſect.* 2. All offences ſhall be enquired into and determined by oath of one or more credible witneſſes, or confeſſion before any one or more juſtices of peace for any county or city, or county of city or town, where offence committed, or offender found; and ſuch juſtice is empowered to iſſue warrant for diſtraining and ſale of goods of the party offending, to raiſe the penalty or forfeiture, or if inſolvent, for committing not exceeding three calendar months, to the houſe of correction or induſtry, or gaol of ſuch county, city, or town; and one moiety of all forfeitures for, ſhall, when recovered, be paid to proſecutor, the other expended in repairing publick roads or ſtreets of ſuch county, city, or town, by order of ſuch juſtice, firſt deducting five ſhillings, to be paid to the conſtable or conſtables for executing the warrant.

General iſſue pleaded, &c.

a publick act.

LXIX. *ſect.* 3. If any ſued or proſecuted for any thing in execution of this act, they may plead the general iſſue, and give this act and ſpecial matter in evidence, and the judges ſhall allow thereof; and this ſhall be deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and perſons without ſpecially pleading.

Gaming.

Winning by fraud.

I. *Stat.* 10 *Will.* 3. *cap.* 11. *ſect.* 1. If any perſon ſhall by any fraud or ill practice whatſoever, in playing at or with cards, dice, tables, tennis, bowls, ſkittles, ſhovel-board, or in cock-fighting, horſe-races, dog-matches, or foot-races, or other paſtimes or games, by bearing a part in the ſtakes, or by beting on the ſides of ſuch as play, ride, or run as aforeſaid, win, or acquire to themſelves or to any others, any money or other valuable things, every perſon ſo offending ſhall *ipſo facto* forfeit treble the value of money or other things ſo won, the one moiety thereof to the King, and the other moiety unto the perſons who ſhall loſe the money or other things ſo gained, ſo as ſuch loſer ſhall ſue for the ſame within ſix calendar months.

Moiety to the informer.

(2) And in default of ſuch proſecution, the other moiety to ſuch other perſons as ſhall ſue for the ſame within one year after the ſaid ſix months are expired, and the ſaid forfeitures ſhall be ſued for by action of debt, &c. in any of his Majeſty's courts at Dublin, wherein no eſſoign, &c. ſhall be allowed; and all plaintiffs or informers ſhall in every ſuch proſecution have treble coſts againſt the perſon offending and forfeiting as aforeſaid.

Play debts void.

II. *ſect.* 2. If any perſons ſhall play at any of the ſaid games, or any other paſtime or games, other than for ready money, or ſhall bet on the ſides of ſuch as play thereat, and ſhall loſe, any money or other things ſo played for upon credit or otherwiſe, and ſhall not pay down the ſame at the time when they ſhall loſe the ſame, the parties who ſhall loſe ſhall not in that caſe be bound or compellable to pay the ſame, but the contracts for the ſame, and all judgments, ſtatutes, recognizances, mortgages, conveyances, aſſurances, bonds,

bonds, bills, ſpecialties, promiſes, covenants, agreements, and other ſecurities which ſhall be given or entered into for the ſame ſhall be void.

(2) And the perſons ſo winning ſhall forfeit treble the value of ſuch money or other things which he ſhall ſo win or acquire upon tick or credit, the one moiety thereof to the King, and the other moiety to ſuch perſons as ſhall ſue for the ſame within one year after the time of ſuch offence committed, and to be ſued for by action of debt, &c. in any court of record at Dublin, &c. and ſuch plaintiffs or informers ſhall have treble coſts againſt the perſons offending and forfeiting as aforeſaid. *Eng. Stat.* 16 *Car.* 2. *cap.* 7. Forfeiture on winners.

III. *Stat.* 11 *Ann. cap.* 5. *ſect.* 1. All notes, bills, bonds, judgments, mortgages, or other ſecurities, given or executed by any perſons, where the whole or any part of the conſideration of ſuch conveyances or ſecurities ſhall be for any money or other valuable thing won by gaming or playing at cards, dice, tables, tennis, bowls, or other games, or by betting on the ſides of ſuch as do game, or for the repaying any money knowingly lent or advanced for ſuch gaming or betting, or lent or advanced at the time and place of ſuch play to any perſons ſo gaming or betting, or to any other perſons in truſt for or to the uſe of them ſo gaming or betting, or that ſhall during ſuch play, ſo play or bet, ſhall be utterly void. Securities for play debts void.

IV. *ſect.* 2. Where ſuch mortgages, ſecurities, or other conveyances, ſhall be of lands, or ſhall be ſuch as incumber or affect the ſame, ſuch mortgages, ſecurities, or other conveyances ſhall enure and be to the ſole uſe of, and ſhall devolve upon ſuch perſons as ſhould be entitled to ſuch lands, in caſe the ſaid grantors thereof or the perſons ſo incumbring the ſame had been naturally dead, and as if ſuch mortgages, ſecurities, or other conveyances had been made to ſuch perſons ſo to be intitled after the deceaſe of the perſons ſo incumbring the ſame; and all grants or conveyances to be made for the preventing of ſuch lands from coming to or devolving upon ſuch perſons hereby intended to enjoy the ſame as aforeſaid, ſhall be deemed fraudulent and void. Incumbrances on lands void.

V. *ſect.* 3. Any perſons who ſhall within twenty four hours, or at any one meeting or ſitting, by playing at cards, dice, tables, or other games, or by betting on the ſides of ſuch as do play at any of the games aforeſaid, loſe to any one or more perſons ſo playing or betting in the whole the value of ten pounds, and ſhall pay or deliver the ſame, or any part thereof, the perſons ſo loſing and paying or delivering the ſame, ſhall be at liberty within three months then next following, to ſue for and recover the money or goods ſo loſt and paid, or delivered, or any part thereof, from the reſpective winners thereof, with coſts of ſuit, by action of debt founded on this act, to be proſecuted in any of her Majeſty's courts of record, in which actions no eſſoign, &c. or privilege of parliament, &c. ſhall be allowed. Loſing above ten pounds.

(2) And it ſhall be ſufficient for the plaintiff to alledge that the defendants are indebted to the plaintiff, or received to the plaintiff's uſe the money ſo loſt and paid, or converted the goods won of the plaintiff to the defendant's uſe, whereby the plaintiff's action accrued to him according to the form of this ſtatute, without ſetting forth the ſpecial matter. Plea for the plaintiff.

(3) And in caſe the perſons who ſhall loſe ſuch money, &c. ſhall not within the time aforeſaid, without covin or colluſion ſue, and with effect proſecute for the money, &c. ſo loſt, and paid or delivered, it ſhall be lawful for any perſons, by any ſuch action as aforeſaid to ſue for and recover the ſame and treble the value thereof, with coſts of ſuit, againſt ſuch winners, the one moiety Action for recovery.

thereof to the uſe of the perſons that will ſue for the ſame, and the other moiety to the miniſter and churchwardens for the uſe of the poor in the pariſh where the offence ſhall be committed.

Anſwer to bills.

VI. *ſect.* 4. All perſons who by virtue of this act ſhall be liable to be ſued for the ſame, ſhall be obliged to anſwer upon oath ſuch bills as ſhall be preferred againſt them for diſcovering the ſums of money, or other things ſo won at play.

Forfeiture of five times the value.

VII. *ſect.* 5. If any perſons ſhall by any fraud, unlawful device, or ill practice whatſoever in playing at cards, dice, or any the games aforeſaid, or by bearing a ſhare or part in the ſtakes, or by betting on the ſides of ſuch as ſhall play, win or acquire to themſelves or to any others any money or other valuable thing, or ſhall within the ſpace of twenty four hours, at any one meetning or ſitting, win of any one or more perſons whatſoever above the value of ten pounds, every perſon ſo winning by ſuch ill practices as aforeſaid, or winning at any one time or ſitting as aforeſaid, above the value of ten pounds, and being convicted of any of the ſaid offences upon an indictment or information, ſhall forfeit five times the value of the money or other thing ſo won as aforeſaid.

Infamy for ill practices.

(2) And in caſe of ſuch ill practices as aforeſaid, ſhall be deemed infamous, and ſuffer ſuch corporal puniſhment as in caſes of wilful perjury, and ſuch penalty to be recovered by ſuch perſons as ſhall ſue for the ſame by ſuch action as aforeſaid.

Power of two juſtices.

VIII. *ſect.* 6. It ſhall be lawful for any two juſtices of the peace in any county, city, or liberty, to cauſe to be brought before them every perſon within their reſpective limits, whom they ſhall have juſt cauſe to ſuſpect to have no viſible eſtate, profeſſion, or calling to maintain themſelves by, but do for the moſt part ſupport themſelves by gaming.

Security for good behaviour.

(2) And if ſuch perſons ſhall not make it appear to ſuch juſtices, that the principal part of their expences is not maintained by gaming, ſuch juſtices ſhall require of them ſufficient ſecurity for their good behaviour for the ſpace of twelve months, and in default of their finding ſuch ſecurity, ſhall commit them to the common gaol until they ſhall find ſuch ſecurities.

Breach of good behaviour.

IX. *ſect.* 7. If ſuch perſons ſo finding ſecurities, ſhall, during the time for which they ſhall be ſo bound to their good behaviour, at any one time, or ſitting to play or bet for any ſums of money or other thing, exceeding in the whole the value of twenty ſhillings, ſuch playing ſhall be deemed to be a breach of their good behaviour, and a forfeiture of their recognizance given for the ſame.

Challenger for money at play.

X. *ſect.* 8. In caſe any perſon ſhall aſſault or beat, or ſhall challenge or provoke to fight, any other perſon upon account of money won by gaming, playing, or betting at any of the games aforeſaid, ſuch perſons ſhall, being thereof convicted upon an indictment or information, forfeit to her Majeſty, &c. all his goods and perſonal eſtate, and alſo ſuffer impriſonment without bail or mainprize in the common gaol of the county where ſuch conviction ſhall be had, during the term of two years.

Playing in ſhops.

XI. *ſect.* 9. No perſon ſhall play at any game with dice or cards within any ſhop, or in any room or place thereunto belonging, for any money or goods; and no ſhop-keeper or other perſons keeping ſuch ſhops, or any room or place thereunto belonging, ſhall encourage or knowingly permit any perſons to play at any game with dice or cards for any money or goods within their reſpective ſhops or warehouſes, or any room, chamber, ſhed, or place belonging to ſuch ſhops or warehouſes, and which any way belong to the owners,

owners, occupiers or poſſeſſors of ſuch ſhops or warehouſes, upon pain of forfeiting ten pounds for every ſuch offence, to be recovered with coſts from the parties ſo offending, and to be diſtributed in ſuch manner as herein before is enacted in relation to perſons that ſhall win or loſe any ſum exceeding ten pounds.

XII. *ſect.* 10. If any perſons do play at any game with dice or cards in ſuch ſhop or place aforeſaid, againſt the will and without the conſent of the occupiers and poſſeſſors of the ſame, if ſuch ſhop-keepers, or houſe-keepers, or one of his ſervants or of his family, ſhall within twenty-eight days after ſuch offence committed, give information upon oath before a juſtice of the peace or other proper magiſtrate againſt the perſons who ſhall ſo offend, the ſaid ſhop-keepers and houſe-keepers ſhall not be liable to the ſaid penalty; and ſuch juſtice or magiſtrate before whom ſuch information ſhall be made, are required to iſſue a warrant againſt every perſon ſo offending, and commit them to priſon until they find ſecurity for their good behaviour, and they ſhall nevertheleſs be liable to the penalties to be inflicted on the perſons ſo playing as aforeſaid. Information againſt offenders.

XIII. *ſect.* 11. Nothing herein contained ſhall extend to hinder any perſons from gaming or playing at any the games aforeſaid in the caſtle of Dublin, or any other the houſes of her Majeſty, her heirs or ſucceſſors, during ſuch time as the lord lieutenant or chief governors ſhall be actually reſident, and ſo as ſuch playing be for ready money only. *Brit. Stat.* 9 *Ann. cap.* 14. Exception for the Caſtle.

Gaols.

I. *Stat.* 15 & 16 *Geo.* 3. *cap.* 21. *ſect.* 19. Whereas gaols have of late been frequently broke open, and priſoners ſet at large: after paſſing this act, perſons who by force or violence break open any gaol or priſon, with intention to reſcue and enlarge themſelves, or any other priſoner therein confined on account of any offence, though not capital, and found guilty thereof, ſhall ſuffer death as in caſes of felony, without benefit of clergy, and ſhall and may be tried before trial or attainder of the perſon ſo enlarged; any law or ſtatute to the contrary in any wiſe notwithſtanding. Breaking gaols to reſcue themſelves or others, though not capital offenders, felony, death; tried before the others.

II. *Stat.* 17 & 18 *Geo.* 3. *cap.* 28. *ſect.* 1. Juſtices of peace, within their ſeveral juriſdictions in quarter ſeſſions aſſembled, may order the walls and cielings of the ſeveral cells and wards both of debtors and felons, and alſo of any other rooms uſed by priſoners in their gaols and priſons, to be ſcraped and white waſhed once in the year at leaſt, and as often as to them ſeem meet, and to be regularly waſhed and kept clean, and conſtantly ſupplied with freſh air by hand ventilators or otherwiſe, to order two rooms in each gaol or priſon, one for men, the other for women, to be ſet apart for ſick priſoners, directing them to be removed into ſuch rooms as ſoon as ſeized with any diſorder, and kept ſeparate from thoſe in health, to order a warm and cold bath, or commodious bathing tubs, to be provided in each gaol or priſon, and direct the priſoners to be waſhed in ſuch baths or tubs, according to the condition in which they ſhall be at the time, before ſuffered to go out of ſuch gaols or priſons upon any occaſion whatever; to order the requiſitions of this act to be painted in large and legible characters upon a board, Cells, wards, and rooms ordered at quarter ſeſſions to be ſcraped and white waſhed once a year at leaſt, kept clean, conſtant freſh air, 2 rooms for ſick, men and women ſeparate, removed when diſordered, warm and cold baths or tubs for each gaol, to waſh priſoners before going out, this act hung up in gaols.

attendant ſurgeon or apothecary ſalary not above 10l. to report each quarter ſeſſion.

a board, and hung up in ſome conſpicuous place of each of ſaid gaols and priſons, and to appoint an experienced ſurgeon or apothecary, at a ſtated ſalary, not exceeding ten pounds *per annum*, to attend each gaol or priſon reſpectively, who ſhall be directed to report to ſaid juſtices by whom appointed, at each quarter ſeſſions, a ſtate of health of priſoners under his care or ſuperintendance.

Courts of juſtice ventilated, priſoners clothed when occaſion, not under ground when convenient, other orders from time to time.

III. *ſect.* 2. Said juſtices in quarter ſeſſions authorized to direct the ſeveral courts of juſtice within their juriſdictions to be properly ventilated, to order cloaths to be provided for priſoners when they ſee occaſion, to prevent priſoners from being kept under ground whenever they can do it conveniently, and to make ſuch other orders from time to time for reſtoring or preſerving health of priſoners as they think neceſſary.

Preſentments to carry this into execution; if gaolers neglect or diſobey, proceeded againſt ſummarily at aſſizes or ſeſſions, fined, or committed.

IV. *ſect.* 3. Grand juries of every county, or county of a city or town, ſhall have power, and are required from time to time to preſent ſuch ſums as neceſſary to be raiſed in ſuch county in the uſual manner to pay expences of carrying this act into execution; and if any gaoler or keeper of any priſon ſhall neglect or diſobey orders of ſuch juſtices in purſuance of this act, he may be proceeded againſt in a ſummary way by complaint to judges of aſſize, or juſtices in quarter ſeſſions; and if found guilty ſhall pay ſuch fine as the judges or juſtices impoſe, and be committed in caſe of non-payment.

15 & 16 G. 3. c. 21. f. 19. not effectual; perſons whether priſoners or otherwiſe, forcibly breaking gaol to rescue priſoner tho' not for capital offence, felony without clergy.

V. *Stat.* 17 & 18 *Geo.* 3 *cap.* 36. *ſect.* 7. Whereas by an act fifteeenth and ſixteenth years of his preſent majeſty, *to prevent and puniſh tumultuous riſings, and for other purpoſes*, perſons who break open any gaol or priſon, with an intention to reſcue or enlarge him, her, or themſelves, or any other priſoner, ſhall ſuffer death, and ſaid clauſe has been found not fully to anſwer the purpoſes intended: every perſon or perſons who by force or violence break any gaol or priſon, with an intention to reſcue and enlarge any priſoner or priſoners therein confined on account of any offence, though not capital, all perſons who commit ſuch offence, whether he, ſhe, or they ſhall be priſoners or otherwiſe, and ſhall be found guilty thereof, ſhall ſuffer death as in caſes of felony, without benefit of clergy.

15 & 16 G. 3. c. 21. extended to all cities and counties of cities, and with theſe clauſes continued to 24 June 1780, &c.

VI. *ſect.* 8. The ſeveral clauſes and proviſions in ſaid act contained ſhall extend to all cities and counties of cities, and the ſaid recited act, together with the ſaid two clauſes, continued in force unto the 24th June 1780, and to the end of the then next ſeſſion.

17 & 18 G. 3. c. 37. continued 4 years from 24 June next and to end of then next ſeſſion.

VII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 40. *ſect.* 20. Part of an act, ſeventeenth and eighteenth of his Majeſty, whereby it is made felony without benefit of clergy in any perſon, whether priſoner or otherwiſe, who ſhall by force break any gaol with intention to enlarge any priſoner, continued for four years from twenty fourth of June next, and from thence to the end of then next ſeſſion.

Allowance of bread to priſoners for criminal offence, ſo if for fees after acquitted.

VIII. *ſect.* 25. Every perſon confined or to be confined in any of his Majeſty's gaols, charged with any criminal offence, ſhall be intitled to receive the priſoners allowance of bread during confinement; and if ſuch perſon ſhall, after tried for ſuch offence and acquitted, be confined for fees, every ſuch perſon ſhall be in like manner entitled.

All confined for fees only immediately diſcharged.

IX. *Stat.* 21 & 22 *Geo.* 3. *cap.* 41. *ſect.* 1. All perſons, confined in any gaol for fees only, ſhall be immediately diſcharged out of priſon, abſolutely freed from any claim or demand for or on account of ſuch fees.

X. *ſect.*

Gaols.

X. *ſect.* 2. It ſhall be lawful for grand juries of counties, and counties of cities, wherein priſoners ſo diſcharged, to preſent, if grand juries think proper, all or any part of ſuch fees to be raiſed on ſuch counties by preſentment at aſſizes, in manner other money is uſually raiſed by preſentment, and to be paid to reſpective officers intitled, any law or ſtatute to contrary notwithſtanding.

G. juries may at aſſizes preſent ſuch fees or any part, on the counties, paid to officers intitled.

XI. *Stat.* 21 & 22 *Geo.* 3. *cap.* 42. *ſect.* 1. Whereas there is reaſon to believe, the ſeveral publick gaols and priſons are in a very ruinous ſtate, and have not proper room for preſerving the health of ſuch as are confined; and that ſeveral regulations, directed to be carried into execution by ſheriffs and gaolers, under inſpection of the magiſtrate, for regulation of gaols, and providing priſoners with accommodations particularly directed by the third as alſo by the ſeventeenth and eighteenth of of his Majeſty have been neglected: after the twenty fourth of June one thouſand ſeven hundred and eighty three all judges of aſſizes and general gaol delivery are required to give the above in part recited acts in charge to grand juries of counties or cities on their reſpective circuits, and to require ſaid grand juries to comply therewith as far as in their power, and to make ſuch preſentments as directed in ſaid acts; and to examine in a ſummary manner into the ſtate and ſituation of the different gaols, and conduct of gaolers, and to make ſuch orders, and impoſe ſuch fines, in caſes of neglect or miſconduct of gaolers, as ſhall to them ſeem juſt according to circumſtances.

Judges ſhall give in charge to G. juries 3 G. 3. c. 28. and 17 & 18 G. 3. c. 28. and to preſent as thereby, examine the ſtate, and gaoler's conduct, and make orders and fine.

XII. *ſect.* 2. If any grand juries of counties or cities, properly called upon and directed by ſuch judges to make ſuch preſentments for repair or enlargement of gaols, or providing accommodations as in ſaid acts, or for ſuch other proviſions as therein, ſhall neglect or omit to form or make ſuch before the laſt day of aſſizes, ſaid judges are required and impowered to impoſe ſuch fine on ſaid county at large, or of the city, as they deem juſt and neceſſary.

Not preſenting before laſt of aſſizes, fine on the county.

XIII. *ſect.* 3. Such fine or fines ſhall not exceed five hundred pounds; and ſhall be applied to repair or enlargement of ſuch gaol, or providing neceſſary accommodations, and accounted for as if regularly preſented.

Not above 500l. applied for the gaol, &c. and accounted for as if preſented.

XIV. *ſect.* 4. Any fine upon the county purſuant to this act ſhall be laid in, applotted, and levied upon the county at large, in ſame manner that preſentments for county charges are.

Applotted and levied as county charges.

Gauging.

I. *Eng. Stat.* 27 *Edw.* 3. *ſtat.* 1. *cap.* 8. All wines red and white, which ſhall come into the realm to ſell ſhall be gauged by the King's gaugers, and if any will not ſuffer the ſame to be gauged, he ſhall forfeit the wines, and be puniſhed by impriſonment, and ranſomed at the King's will.

Wines to be gauged.

(2) And if default be found in the gauger, that he be not ready to do his office when required, or that he do fraud in doing his office to the damage of the buyer or ſeller, he ſhall pay the party grieved his treble damages, and loſe his office, and be puniſhed by impriſonment, and ranſomed at the King's will: and in caſe leſs be found in the tun or pipe than ought to be, the value of as much as ſhall lack ſhall be deducted in the payment.

Defaults in gaugers.

II. *Eng.*

Forfeiture of wine.

II. *Eng. Stat.* 31 *Edw.* 3. *ſtat.* 1. *cap.* 5. If any ſell a tun or pipe of wine not gauged, the ſeller ſhall forfeit the wine or the value to the King.

Liquors gaugeable.

III. *Eng. Stat.* 4 *Ric.* 2. *cap.* 1. All veſſels of ſweet wines of the Rhine, and of other wine, and other veſſels of vinegar, oil, honey, and all other liquors gaugeable which ſhall come within this realm ſhall be lawfully gauged; and if any will not ſuffer the wines, &c. to be gauged, he ſhall incur the pain ordained by the other ſtatutes.

Rheniſh wines.

IV. *Eng. Stat.* 14 *Ric.* 2. *cap.* 8. None ſhall be diſtrained nor grieved in the exchequer nor elſewhere for not gauging the wines of Rhine, otherwiſe than hath been done of old times.

Contents of veſſels.

V. *Eng. Stat.* 18 *Hen.* 6. *cap.* 17. *ſect.* 1. Whereas every tun ought to contain 252 gallons, every pipe 126 gallons, every tertian 84 gallons; and every hogſhead 63 gallons; from henceforth all tuns, pipes, tertians and hogſheads, as well of wine as of oil to be ſold within the realm, ſhall be gauged by the King's gauger before they be ſold, upon pain to forfeit to the King all the wine, &c. contrary ſold, or the value.

Abatement for want of aſſize.

(2) And in caſe any perſon ſell to any of the King's people for any price in certain any tun, &c. of wine, oil or honey, which wanteth of the aſſize aforeſaid, he ſhall abate of the price as much as ſuch default ſhall amount unto, upon pain to forfeit to the King the value of all the wines, &c. contrary ſold, any privy covenant to be made betwixt the ſeller and buyer notwithſtanding.

Informers to have half.

(3) And every perſon that eſpieth any of the forfeitures aforeſaid, and doth inform the treaſurer or barons of the exchequer, ſhall have the half of the forfeitures.

Fees of gaugers.

VI. *ſect.* 2. The gauger ſhall have for the gauging of every tun and pipe of oil and honey, as he hath of every tun and pipe of wine, and for every tertian and hogſhead after the rate.

Gauge-penny.

VII. *Eng. Stat.* 23 *Hen.* 6. *cap.* 16. The gauge-penny ſhall not be paid to the gauger till he or his deputies have gauged the wines, and then he to to take his penny without increaſe: and he or his deputy ſhall be ready to do his office in all places when required.

Contents of veſſels.

VIII. *Eng. Stat.* 1 *Ric.* 3. *cap.* 13. No perſon ſhall bring into this realm any but of malmſey to be ſold, unleſs it contain at leaſt 126 gallons, nor no veſſels with wines nor of oil, unleſs the ſame contain the aſſiſe following, *viz.* every tun 250 gallons, and every pipe 126 gallons, every tertian 84 gallons, and every hogſhead 63 gallons, and every barrel 31 gallons and a half, and every rundlet 18 gallons and a half.

Selling before gauge.

(2) And veſſels of wine and oil ſhall not be put to ſale till they be gauged by the King's gauger, upon pain to forfeit to the King all the ſaid wines and oil ſold contrary to this ordinance, or the value.

Abatement for lackage.

(3) And in caſe any perſon ſell to any of the King's people for any certain price, any but, tun, pipe, tertian, hogſhead, barrel, or rundlet of wine or oil, lacking of the aſſiſe, the ſeller ſhall rebate of the price to the buyer as much as ſuch lacking ſhall amount to, upon pain to forfeit to the King the value

lue of all the wine and oil ſo ſold, any privy contract to be made betwixt the buyer and ſeller notwithſtanding.

Glaſs.

I. *Brit. Stat.* 19 *Geo.* 2. *cap.* 12. *ſect.* 23. No perſon ſhall import into Ireland any crown, plate, flint, or white glaſs, or any common bottles or other green glaſs, or glaſs of any kind or denomination, other than the manufacture of Great Britain. Manufacture of Great Britain.

(2) And if any kind of glaſs, other than the manufacture of Great Britain, ſhall be landed out of any veſſel in Ireland, it ſhall be forfeited and deſtroyed within ten days after condemnation thereof, and the veſſel alſo with her tackle and furniture, in which the glaſs was imported, ſhall be forfeited. Ship forfeited.

(3) And the maſter of the veſſel, and every other perſon concerned in importing or aſſiſting in landing the ſame, ſhall forfeit ten ſhillings for every pound weight thereof, and ſo in proportion for any quantity. Forfeiture for landing.

II. *ſect.* 24. The maſter of every ſhip which ſhall carry any crown, plate, flint, or white glaſs, or common bottles, or other green glaſs, or glaſs of any denomination to Ireland, ſhall take from the collector or comptroller of the port of Great Britain where he ſhall lade ſuch glaſs, a duplicate of his contents in writing under ſuch officer's hand, of all the glaſs laden on board ſuch veſſel, before he be permitted to ſail, which duplicate ſhall be given him without fee. Duplicate of contents.

(2) And every maſter of ſuch veſſel ſhall deliver ſuch duplicate on oath to the collector or other officer of the cuſtoms, in ſuch port in Ireland where he ſhall arrive, and intends to unlade, before he be permitted to land the glaſs. Delivery on oath.

(3) And if any glaſs ſhall be unladen in any part of Ireland before ſuch duplicate is produced to the officer as aforeſaid, it ſhall be forfeited and deſtroyed within ten days after condemnation, and the ſhip alſo with her tackle, &c. ſhall be forfeited, and the maſter of the veſſel, and every other perſon concerned in impoſing or aſſiſting in landing the ſame, ſhall forfeit ten ſhillings for every pound weight thereof, and ſo in proportion for any quantity. Glaſs and ſhip forfeited, &c.

III. *ſect.* 25. If any perſon ſhall directly or indirectly export, ſhip off, or convey out of Ireland, or cauſe to be ſo done, or be aſſiſting toward the ſame, any glaſs of what denomination ſoever, or ſhall directly or indirectly load or cauſe to be ſo done, any horſe, cart or other carriage, or any veſſel within or belonging to Ireland, with intent to export, &c. the ſame from Ireland, every offender for every ſuch offence ſhall forfeit ten ſhillings for every pound weight ſo exported, &c. and the glaſs ſhall be forfeited and deſtroyed within ten days after condemnation, and the veſſel, or other bottom whatſoever carrying the ſame contrary to this act, ſhall be forfeited, with her tackle and furniture. Exporting glaſs. Penalty.

IV. *ſect.* 26. The commiſſioners and ſub-commiſſioners of exciſe reſpectively in their ſeveral diſtricts in Ireland, or the major part of them, are authorized to hear and determine all offences againſt this act relating to the exportation of glaſs, and they may proceed in a ſummary way, and give judgment and levy the penalties inflicted by this act, in like manner as they are enabled to do in caſes of exciſe in Ireland, by any acts now in force; one moiety of the penalties ſhall be to his Majeſty, the other moiety to the officer or perſon who ſhall ſeize, inform, or ſue for the ſame. Trial of offences.

Not to exceed forty acres.

I. *Stat.* 15 *Car.* 1. *cap.* 11. It ſhall be lawful for any perſon, without licence of mortmain to endow churches having no glebes, or not above ten acres of glebe with new glebe, provided the glebe of any one church ſo endowed do not exceed forty acres.

Buildings or repairs.

II. *Stat.* 10 *Will.* 3. *cap.* 6. *ſect.* 1. Every biſhop or eccleſiaſtical perſon that ſhall build, add to, or repair, any houſe, out-houſe, garden, orchard, or any other neceſſary improvement on his demeſne, glebe, or menſal land, or in any other lands in his poſſeſſion belonging to his ſee or church, that ſhall be certified in the manner hereafter mentioned, to be convenient for the reſidence of him and his ſucceſſors, which from thenceforth ſhall be deemed to be part of the demeſne, glebe, or menſal land of ſuch ſee, dignity or benefice; ſhall receive from his next ſucceſſor, two thirds of the ſums really expended in ſuch buildings, additions, repairs and improvements, neceſſary annual reparations only excepted.

Two thirds from the ſucceſſor, certificates for improvements.

(2) Which ſums ſhall be aſcertained by certificate under the hand and ſeal of the chief governors in the caſe of an archbiſhop, and of the archbiſhop of the province in the caſe of a biſhop; and by like certificate of the biſhop of the reſpective dioceſe in all other caſes; and ſuch ſucceſſor having paid the two thirds of the ſums certified as aforeſaid, ſhall receive one moiety thereof, that is, one third of his firſt diſburſement from his next ſucceſſor.

Fines of payment.

(3) Which ſums ſhall be paid in all caſes of removal or tranſlation, by four equal half-yearly payments, to be accounted from ſuch removal or tranſlation, and in caſe of death by two equal half-yearly-payments, to be accounted from the day of ſuch death.

Methods for recovery.

(4) And may be recovered by the party who ought to receive the ſame, his executors or adminiſtrators, either by diſtreſs on the lands of ſuch biſhoprick or benefice, belonging to the ſucceſſor hereby obliged to pay the ſame, or by ſequeſtration of one moiety of the rents and profits of ſuch ſee or benefice, which ſequeſtration is to be made and granted by the chief governors in caſe of an archbiſhop, and by the archbiſhop of the province in caſe of a biſhop, and by the biſhop of the dioceſe in all other caſes, who are required to grant the ſame, or by action of debt in any court of record at the election of the party who ſues for the ſame. *See Par.* 37.

Purchaſes of houſes or lands.

III. *ſect.* 2. It ſhall be lawful for any archbiſhop with the approbation of the chief governors, and for any biſhop with the approbation of the archbiſhop of his province, and for any other eccleſiaſtical perſon with the conſent of the biſhop of his dioceſe, certified in writing under their reſpective hands and ſeals, to purchaſe to them and their ſucceſſors within their reſpective dioceſe, houſes already built with conveniencies thereunto belonging, or lands fit for ſuch buildings and conveniencies for the reſidence of them and their ſucceſſors, thenceforth to be part of their demeſne glebe or menſal land reſpectively unalienable, and not to be let or diſpoſed of to any other uſe.

Purchaſe money and buildings.

(2) And the purchaſe money for the ſame, and the expence of buildings, additions and repairs being aſcertained and certified as aforeſaid, ſhall be repaid as to two thirds thereof by the next ſucceſſor, who ſhall receive from his next ſucceſſor one moiety, or half of what he pays, in like manner, and with like remedy as aforeſaid.

Dilapidations.

IV. *ſect.* 6. If any biſhop or other eccleſiaſtical perſon, ſhall ſuffer his manſion houſe, or any of the buildings, out-houſes, gardens, orchards, or other improvements on their reſpective demeſnes, glebes or menſal lands, to decay,

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go to ruin, or be out of repair, his next ſucceſſor may commence his ſuit in the eccleſiaſtical court, againſt ſuch biſhop or eccleſiaſtical perſon, or their executors or adminiſtrators, and have the full benefit of the eccleſiaſtical laws now in force in that behalf, or at their election may recover by action of debt againſt ſuch biſhop or eccleſiaſtical perſon, or their executors or adminiſtrators, in any court of record at Dublin, ſuch ſum as ſhall be ſufficient to put ſuch houſes and improvements in ſuch good repair as they were in at any time during the incumbency of his predeceſſor.

Reparation of houſes, &c.

(2) Which ſum ſo recovered ſhall forthwith be laid out in the reparation of the reſpective houſes and improvements, for the which the ſame ſhall be recovered.

Sequeſtration of benefice.

(3) And in default thereof, by the ſpace of ſix months after recovery and payment as aforeſaid, the biſhoprick or other eccleſiaſtical living or benefice of ſuch eccleſiaſtical perſon, ſhall be ſequeſtered until ſuch eccleſiaſtical perſon ſhall lay out all ſuch ſums ſo recovered and paid in the reparation of their reſpective houſes and improvements as aforeſaid.

Double the ſum.

(4) And if the biſhop or other eccleſiaſtical perſon ſo recovering ſhall happen to die before the ſum recovered and paid to him be laid out as aforeſaid, then his next ſucceſſor ſhall recover from the executors or adminiſtrators of the perſon ſo dying, double the ſum ſo recovered and paid as aforeſaid, by action of debt in any court of record at Dublin, unleſs ſuch executors or adminiſtrators ſhall voluntarily and without ſuit, pay the ſame to ſuch ſucceſſor, who is to expend the ſame in manner aforeſaid, and under the penalties and forfeitures as aforeſaid.

Grants or deviſes void.

(5) And if any biſhop or eccleſiaſtical perſon that ſhall ſuffer dilapidations or decay in his manſe houſe or improvements, ſhall make any deviſe, conveyance, leaſe, bequeſt, colourable ſale or gift, without full conſideration of his perſonal eſtate, or any part thereof, with intent to defraud his ſucceſſor of the remedy intended by this act, all ſuch deeds, *&c.* ſhall be null and void againſt ſuch ſucceſſor. *(Eng. Stat. 13 Eliz. cap. 10.)*

Reſtraint of alienations.

V. *ſect.* 7. It ſhall not be lawful for any eccleſiaſtical perſon having a glebe convenient to be built and improved upon, for the reſidence of him and his ſucceſſors, or whereon a manſe houſe is or ſhall be built, or which ſhall lie ſo contiguous to ſuch houſe as to be conveniently made uſe of with the ſame, to alien or demiſe ſuch glebe or any part thereof, for any longer term than one year from the making thereof, in poſſeſſion and not in reverſion; all alienations and leaſes or agreements for leaſes of ſuch glebes for more than one year ſhall be void.

Regiſtry of certificates.

VI. *ſect.* 8. All the certificates by this act required to be made in the caſes before mentioned, ſhall be entered at large in the public regiſtry of ſuch dioceſe, to which the ſame relate before any advantage be made thereof.

Exemplifications evidence.

(2) And the exemplification of ſuch certificates ſo regiſtered and entered under the hand and ſeal of the archbiſhop or biſhop of the dioceſe, ſhall be as good to all the purpoſes of this act as the original would have been in caſe the ſaid original ſhall be loſt or miſlaid, or ſo detained that the party concerned cannot have the ſame to produce.

Exchanges of glebes.

VII. *Stat.* 2 *Ann. cap.* 10. *ſect.* 1. It ſhall be lawful for the ſeveral rectors, vicars, and other perſons having any cure of ſouls in this kingdom, by deed to exchange ſuch glebes as lie at a diſtance from the pariſh-church, or any part

of ſuch glebes, with any biſhop or other perſon for lands of equal value, lying near and convenient to the ſaid church.

Approbations requiſite.

VIII. *ſect.* 2. Provided the biſhop of the dioceſe, with his dean and chapter under their common ſeals, and the patron of ſuch church or his lawful attorney, where the patronage is in any other than the biſhop, under his hand and ſeal to ſuch deeds of exchange, approve thereof, and where the patronage is in the crown, the chief governors are impowered to give conſent to ſuch deeds of exchange in writing under their hands and ſeals.

Enquiry by a jury.

IX. *ſect.* 3. Before the ſealing and perfecting ſuch deeds of exchange, the ſheriff of the county where either of the lands to be exchanged ſhall be, at the requeſt of the biſhop, patron, and parties concerned, may call a jury of twelve indifferent freeholders, whereof notice ſhall be given at ſome preceding county court, and likewiſe of the time and place where and when the jury is to meet, and the ſaid jury ſhall inquire of the true value and quantity and conveniency of the exchange of the lands ſo to be exchanged, by the oaths of good, knowing, and ſubſtantial witneſſes.

Record of inqueſt.

(2) And the ſaid value and conveniency ſo found, together with the mears and bounds thereof, ſhall return to the biſhop where the lands to be exchanged are, who ſhall procure the ſaid return and deeds of exchange, to be recorded in the court of exchequer in the firſt remembrancer's office, for which inqueſt the ſheriff ſhall receive by way of fees ten ſhillings, and the ſaid remembrancer ſhall put the ſame on record, and for recording the ſame and the ſaid deeds ſhall receive ſix ſhillings and eight pence.

X. *ſect.* 4. The ſaid lands ſo given in exchange for ſuch glebes, or any part thereof ſo exchanged, ſhall be held by ſuch rectors or vicars, and their ſucceſſors for ever as a glebe, notwithſtanding the ſame did formerly belong to any biſhop tenant for life or in tail, with the conſent of the perſon immediately next in remainder; in all which caſes ſuch old glebe, or the part of the glebe ſo given in exchange, ſhall be to ſuch uſes as the land given for the ſame was formerly limited.

Grants of glebes.

XI. *ſect.* 5. It ſhall be lawful for every biſhop, dignitary, or prebendary, having land belonging to their biſhopricks, *&c.* near any church, and convenient for a glebe for the ſaid church, not already endowed with twenty acres of glebe, with the conſent of his dean and chapter, to grant any quantity thereof not exceeding twenty acres plantation meaſure, to the rector or vicar, or other eccleſiaſtical perſon having the actual cure of ſouls, and their ſucceſſors at the moiety of the preſent yearly rent, or for any greater ſum.

Payment of rents.

(2) Which rent ſhall be paid by four equal portions, that is to ſay, at the feaſt of the annunciation of the virgin Mary, of St. John the baptiſt, of St. Michael, and of the nativity of our Lord; and in caſe of non-payment, it ſhall be lawful for the ſaid biſhops, *&c.* or their ſucceſſors, to diſtrain or ſue for the ſame. ☞ *See the act* 31 *Geo.* 2. *cap.* 11. *ſect.* 5.

Lands granted.

XII. *ſect.* 6. The ſaid twenty acres or leſſer quantity of land ſo granted, ſhall be reputed and taken as the glebe of the pariſh to whoſe incumbent and ſucceſſors it is granted.

Continuation.

The act 2 *Ann. cap.* 10. (for the exchange of glebes belonging to churches, *&c.*) *is continued for twenty one years, and to the end of the then next ſeſſion of parliament, by ſtat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 1.

Exchange of demeſne lands.

XIII. *Stat.* 8 *Geo.* 1. *cap.* 11. *ſect.* 1. It ſhall be lawful for any biſhop, dignitary, or prebendary of any cathedral church, by deed to exchange ſuch their demeſne

demeſne or menſal lands as are inconveniently ſituated, or any part thereof, with any biſhop, &c. or other perſon, for lands of equal value that lie more convenient and are fitter for building and improvement in any city, town, or village near ſuch cathedral church, in ſuch manner as by the act 2 *Ann. cap.* 10. is directed.

(2) And the lands ſo conveyed in exchange for ſuch demeſne or menſal lands, ſhall be deemed as the demeſne or menſal lands of ſuch biſhop, dignitary, or prebendary of ſuch cathedral church making ſuch exchange, and their reſpective ſucceſſors. Lands exchanged to be demeſne.

XIV. *ſect.* 2. It ſhall be lawful for every biſhop, dignitary, or prebendary of any cathedral church, with the conſent of the chief governors and the privy council, ſix at leaſt of the ſaid privy council agreeing thereunto, out of any part of their reſpective lands being actually out of leaſe, or whereof any leaſe unexpired ſhall be ſurrendered unto or purchaſed by ſuch biſhop, &c. to ſet apart ſo much as ſhall be convenient for demeſne or menſal lands to him and his ſucceſſors, which ſhall for ever thereafter be reputed the demeſne or menſal lands of ſuch reſpective biſhop, dignitary, or prebendary of any cathedral church and his ſucceſſors. Setting apart menſal lands.

XV. *ſect.* 3. Where the preſent demeſne lands or any part thereof to any biſhop, dignitary, or prebendary of any cathedral church belonging, are ſituate at too great a diſtance from his manſion-houſe, it ſhall be lawful for ſuch biſhop, &c. with the conſent of the chief governors and privy council, ſix of them agreeing thereunto, to ſet apart other lands belonging to ſuch biſhop, &c. and being out of leaſe, or whereof any leaſe unexpired ſhall be ſurrendered unto, or purchaſed by the ſaid biſhop, &c. that lie at a more convenient diſtance from his manſion-houſe, to be reputed as demeſne or menſal lands to him and his ſucceſſors, and in lieu thereof to demiſe ſuch demeſne or menſal lands ſituate at too great a diſtance from their manſion-houſe, being of equal value with the lands ſo ſet apart for demeſne or menſal lands, for ſuch eſtate or intereſt, and under as great a rent, and the ſame reſervations as they might have demiſed the lands ſo ſet apart. Demiſing the former demeſne.

XVI. *ſect.* 4. Provided that if part only of ſuch demeſne or menſal lands ſo to be demiſed in lieu of lands ſo ſet apart as aforeſaid, ſhall be let in one leaſe, in every ſuch caſe the conſent of the chief governors and privy council, ſix at leaſt agreeing thereunto, ſhall be firſt obtained to the rent, reſervations, and conditions of ſuch leaſe, otherwiſe the ſame ſhall be void. Conſent of the governors and council.

XVII. *ſect.* 5. When the conſent of the chief governors and privy council has once been obtained as aforeſaid, for the ſetting any leaſe of any part of ſuch demeſne or menſal lands to any biſhop, &c. belonging, it ſhall from thenceforth be lawful for every ſuch biſhop, &c. and their ſucceſſors, without any ſuch conſent again to be had, to ſet leaſes of the ſame lands, in ſuch manner, and under ſuch yearly rents as the leaſes thereof granted with ſuch conſent as aforeſaid were made. No new conſent required.

XVIII. *Stat.* 3 *Geo.* 2. *cap.* 12. *ſect.* 1. It ſhall be lawful for any perſon qualified to endow, and endowing a church as *is mentioned by Stat.* 15 *Car.* 1. *cap.* 12. to reſerve unto himſelf and his heirs, ſuch yearly rent out of the lands to be granted, and under ſuch clauſes and covenants as ſhall be agreed upon between ſuch perſon and the incumbent of the church, with the conſent of the biſhop of the dioceſe, and archbiſhop of the province in which ſuch church ſhall be ſituate, ſuch conſent being ſignified by certificate in writing under their archiepiſcopal and epiſcopal ſeals reſpectively. Rent out of glebes demiſed.

XIX. *ſect.*

Certificates to be inrolled.

XIX. *ſect.* 2. Provided that ſuch endowment, together with the certificate ſignifying ſuch conſent of the ſaid archbiſhop and biſhop, ſhall within ſix calendar months from the making of the ſame be inrolled in the chancery, for which inrolment the ſum of thirteen ſhillings and four pence ſhall be paid.

Demeſne of manſion-houſes.

XX. *ſect.* 3. No perſon ſhall be hereby enabled to endow any church with any portion of the demeſne lands, uſually occupied with and reputed as demeſne to appertain unto the manſion or chief dwelling-houſe to him and his heirs belonging.

Purchaſe-money for glebes.

XXI. *ſect.* 4 If any incumbent of ſuch church ſhall purchaſe glebe land, and endow his ſaid church with the ſame, reſerving no rent thereout, ſuch incumbent, his executors or adminiſtrators, ſhall be intitled to two thirds of his purchaſe money, to be paid by his immediate ſucceſſor, his executors or adminiſtrators, and ſuch immediate ſucceſſor, his executors or adminiſtrators, ſhall be intitled to one half of what he ſhall ſo pay, which reſpective ſums ſhall be paid and recovered in ſuch manner as vicars of any pariſhes are enabled to recover money laid out in building upon and improving ſuch church lands by the act 10 *Will.* 3. *cap* 6.

Grants of glebes by biſhops.

XXII. *ſect.* 5. It ſhall be lawful for every biſhop with the conſent of his dean and chapter, ſignified by certificate in writing under their common ſeal, and where there is no dean and chapter, with the conſent of the archdeacon and ſix beneficed clergymen of his Dioceſe, ſignified in writing under their hands and ſeals, by deed under the hands and ſeals of ſuch biſhop, *&c.* ſuch deed together with ſuch certificate to be inrolled as aforeſaid, and under the rules and limitations of the act 2 *Ann. cap.* 10. to grant any quantity of land belonging to his biſhoprick, not exceeding forty acres plantation meaſure, as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls.

Not to exceed forty acres.

XXIII. *ſect.* 6. Provided that ſuch quantity of land ſo granted, together with all other glebe to ſuch incumbent before belonging, ſhall not exceed forty acres plantation meaſure.

United benefices.

XXIV. *ſect.* 7. Where two or more eccleſiaſtical benefices are united either in purſuance of any act of parliament, or by an epiſcopal union, it ſhall not be lawful for any perſon during the continuance of the ſaid parliamentary or epiſcopal union, to endow more than one of the churches to ſuch union belonging, with any portion of glebe.

Lands for the uſe of curates.

(2) Excepting that it ſhall be lawful for any perſon before mentioned to grant to any biſhop and his ſucceſſors, land not exceeding ten acres, for the uſe of a reſident curate of any church or chapel of eaſe wherein divine ſervice ſhall be conſtantly performed, ſo as that all the glebe land belonging to any pariſh church or mother church in any union, and alſo to the chapels of eaſe to any pariſh church or mother church in any union belonging, ſhall not in the whole exceed ſixty acres plantation meaſure.

Payments out of the firſt-fruits.

XXV. *ſect.* 8. Whereas the firſt-fruits of all eccleſiaſtical benefices are by letters patent from Queen Anne, and by an act of parliament for confirming the ſame made in the ſecond year of his preſent Majeſty's reign, veſted in certain truſtees as a fund for purchaſing glebes, in caſe any incumbent or miniſter having actual cure of ſouls, ſhall tender a certificate under the hand and ſeal of the biſhop of the dioceſe to the ſaid truſtees, or to ſuch a number of them duly aſſembled as have power to act, that the ſaid incumbent hath built upon the glebe belonging to his benefice where ſuch cure is, one convenient dwelling-houſe covered with ſhingles, ſlates, or tiles, it ſhall be lawful for the ſaid truſ-

tees,

tees, &c. at their diſcretion out of the ſaid fund, to pay any ſum not exceeding one hundred pounds, to ſuch incumbent, his executors, adminiſtrators or aſſigns, towards reimburſing the charge ſuch incumbent ſhall have been at in ſuch building.

XXVI. *ſect.* 9. Such ſums as ſhall be ſo paid to ſuch incumbent, his executors, or adminiſtrators, ſhall not be compriſed in any certificate by any biſhop, to them to be given for money by ſuch incumbent expended in buildings or improvements in purſuance of the act 10 *Will.* 3. *cap.* 6. Deduction out of certificates.

XXVII. *ſect.* 11. Provided that no land granted as aforeſaid for the uſe of any eccleſiaſtical perſon, or of any ſchool-maſter, ſhall be reputed to make ſuch eccleſiaſtical perſon or ſchool-maſter, or any perſon under any of them deriving, a freeholder to any purpoſe of law whatſoever. Not to make freeholders.

XXVIII. *Stat.* 10 *Geo.* 1. *cap.* 6. *ſect.* 6. It ſhall be lawful for deans and chapters with the conſent of the archbiſhop of the province, and the biſhop of the dioceſe, certified under their hands and archiepiſcopal and epiſcopal ſeals, to endow any vicarage or curacy in any pariſh, the church whereof is appropriate to them belonging, with a convenient portion of glebe or tithes, or both belonging to ſuch dean and chapter in ſuch pariſhes, and alſo with the conſent aforeſaid, to augment ſuch endowments as have been already made, for the ſupport of a proper vicar or curate, for performance of divine ſervice and cure of ſouls within the ſame, ſaving to the then tenants of ſuch glebes and tithes, all their right and title during their reſpective leaſes. Deans and chapters.

XXIX. *ſect.* 7. The conſent of ſuch dean and chapter, of which the reſpective dignitaries or prebendaries ſo endowing or augmenting the endowments of ſuch vicarage or curacy as aforeſaid are members, to the making of ſuch endowments or augmentation, ſhall be as effectual as if the ſeveral and diſtinct deans and chapters of ſuch dioceſe *where there are ſeveral deans and chapters* had conſented thereunto. Conſent of one dean and chapter.

XXX. *ſect.* 8. It ſhall be lawful for every biſhop with the conſent of the chief governors of this kingdom, and privy council fix at leaſt conſenting, and for every dean with the conſent of the biſhop of the dioceſe, and of the chapter, and alſo for every archdeacon, dignitary, or prebendary, with like conſent of the biſhop, and the conſent of the reſpective dean and chapter whereof ſuch dignitary or prebendary is a member in ſuch dioceſes where there are deans and chapters, and in ſuch dioceſes where there are no deans and chapters, with the conſent of the major part of the clergy at their reſpective viſitations, to exchange any rectory, vicarage, or portion of tythes to their biſhoprick, dignity, or prebend belonging, for land of the ſame value, the ſame to be ſettled on ſuch biſhop, dignitary, or prebendary, and their reſpective ſucceſſors, who are hereby enabled and made capable to take the ſame. Dignitaries may exchange.

XXXI. *ſect.* 9. Provided that ſuch rectory, vicarage, or portion of tithes, ſhall be ſettled upon ſuch perſon as ſhall have the actual cure of ſouls in the pariſh whereof the rectory, vicarage, or any portion of tithes ſhall be ſo exchanged, ſaving to the then tenants of ſuch lands, rectories, vicarages, and portions of tithes, all their right during their reſpective leaſes. *This act is made perpetual by Stat.* 13 *Geo.* 2. *cap.* 4. Settled upon the actual curate.

XXXII. *Stat.* 12 *Geo.* 1. *cap.* 10. *ſect.* 1. When any certificate ſhall be made out by virtue of the act 10 *Will.* 3. *cap.* 6. for any ſums of money to be charged upon any biſhoprick, or other eccleſiaſtical living for any building or improvements, Certificate of the actual value.

improvements, ſuch certificate ſhall contain a true account of the clear yearly income of the ſaid biſhoprick or eccleſiaſtical living, as the ſame ſhall be proved to be before ſuch perſons who ſhall grant ſuch certificate, at or before the time of making out ſuch certificate, whoſe judgment therein ſhall be final, and the ſaid yearly value ſhall be computed of that particular eccleſiaſtical living only whereon ſuch building or improvements are made, unleſs there be a real union purſuant to any act of parliament of the ſaid eccleſiaſtical living, with other livings from which it is inſeparable. *See Par.* LXVII.

Three fourths of money expended.

XXXIII. *ſect.* 2. Inſtead of the ſeveral payments by the aforeſaid act 10 *Will.* 3. *cap.* 6. directed to be paid, every biſhop and other eccleſiaſtical perſon who ſhall build, add to, or repair any houſe or other neceſſary improvement on his demeſne, glebe or menſal-lands, in the manner herein before directed, for which a certificate ſhall be obtained, as by this act is appointed, ſuch biſhop or other eccleſiaſtical perſon, his executors, or adminiſtrators, ſhall from his next ſucceſſor receive three fourths of the ſums ſo certified.

Two thirds of the payment.

(2) And ſuch ſucceſſor having paid the three fourths of the ſums ſo certified, his executors or adminiſtrators ſhall receive two thirds thereof, that is, one moiety of the ſum firſt certified from his next ſucceſſor.

One half of the payment.

(3) Which ſucceſſor having paid the ſaid moiety of the ſaid firſt ſum, his executors, or adminiſtrators, ſhall receive from his next ſucceſſor one half thereof, that is, one fourth part of the ſums in the firſt certificate mentioned; all which ſums ſhall be paid and recovered in the ſame manner, as the ſums to be paid and recovered by the ſaid former act, are appointed to be paid and recovered.

One year and a half income.

XXXIV. *ſect.* 3. No perſon who ſhall hereafter ſucceed into any biſhoprick or other eccleſiaſtical living, ſhall be obliged to pay his predeceſſor, or the executors or adminiſtrators of his predeceſſor, by virtue of any certificate for building or improving on church-lands, any greater ſum than the clear value of one year and a half's income, ſo limited as aforeſaid.

Quality of the buildings.

XXXV. *ſect.* 4 No certificate ſhall be hereafter given for any dwelling-houſe or building upon church-lands by virtue of the above-mentioned act, unleſs the ſaid dwelling-houſe or building be made of ſtone, or brick and lime, and timbered in the roof and in the floors with oak or fir-timber, bog-oak excepted, and covered with ſlates, ſhingles, or tiles, and the building ſtrong and durable, except livings under a hundred pounds a year, where ſuch houſes or buildings may be covered with thatch, provided the timber be ſuch as is before ſpecified.

Biſhops demeſnes.

XXXVI. *ſect.* 5, Where in any dioceſe the biſhop hath no more than one hundred acres of menſal lands, it ſhall be lawful for ſuch biſhop to purchaſe to the uſe of ſuch biſhop and his ſucceſſors, with the conſent of the archbiſhop of the province, under his archiepiſcopal ſeal, any lands in the ſaid dioceſe, not exceeding two hundred acres plantation meaſure.

Reſerving a rent.

(2) Upon which purchaſe there may be reſerved out of ſuch lands any yearly rent not exceeding one half of the improved yearly value of ſuch lands at the time of the purchaſe, which ſhall be a charge on ſuch lands ſo purchaſed, in the hands of every ſuch biſhop and his ſucceſſors for ever.

Proportion of purchaſe and improvements.

XXXVII. *ſect.* 6. All lands ſo purchaſed ſhall continue menſal lands, and every biſhop who ſhall purchaſe any ſuch lands, or ſhall build an houſe and make any other improvements thereon convenient for the reſidence of ſuch biſhop and his ſucceſſors, ſuch biſhop, or his executors and adminiſtrators ſo purchaſing, building, or improving, ſhall recover ſuch proportion of ſuch purchaſe

chaſe money, and of ſuch money as ſhall be ſo laid out in building and other improvements, as a biſhop ſhall be intitled to for houſes built upon his menſal lands by this act, and to be recovered in manner as herein before mentioned.

XXXVIII. *ſect.* 7. Every biſhop or other eccleſiaſtical perſon, intending to make any building or improvement upon his demeſne or glebe lands, ſhall, at the leaſt three months before he begins the ſame, give unto the perſons who, by this or the other above mentioned act, are empowered to give them ſuch certificate as is above ſet forth, a writing ſubſcribed with his hand, in the preſence of two credible witneſſes, ſetting forth the length, breadth, height, and thickneſs of the wall of ſuch houſes as he intends to build, with the number of Stories in them to be contained, together with the ſituation of the ground on which the ſame are to ſtand, as alſo the nature and extent of all other improvements which he ſo intends to make. Account and eſtimate.

(2) A copy of which writing, if approved of, ſhall be returned unto ſuch biſhop or other eccleſiaſtical perſon in like manner ſubſcribed by the perſons unto whom the ſame is ſo given. Copy to be returned.

(3) And if the ſaid houſes or improvements, or ſo much of the ſame as ſhall be built or made before the death or removal of the incumbent undertaking the ſame, ſhall be found agreeable unto what is contained in ſuch writing, and the value thereof ſo reported by commiſſioners for that purpoſe to be appointed, as herein after is mentioned, then and not otherwiſe, ſuch a certificate as is above mentioned ſhall be given for the ſame, according to the value of ſuch houſes and improvements ſo reported, and under the limitations of this act. *See Par.* LXVIII. Certificate to be granted.

XXXIX. *ſect.* 8. Provided that no wainſcot in ſuch houſes as is above mentioned, ſhall be looked on as an improvement or certified as ſuch, except the eccleſiaſtical benefice whereunto ſuch houſes belongs, ſhall appear to be of the clear value of three hundred pounds *per annum*. Wainſcot.

XL. *ſect.* 9. It ſhall be lawful for the chief governors of this kingdom, and every archbiſhop and biſhop reſpectively, to grant any commiſſion, to two or more perſons, to view and examine the houſes and improvements made on church lands, by virtue of this or the before mentioned act, and to adminiſter an oath to the commiſſioners ſo appointed to return a faithful account and eſtimate of the ſaid buildings and improvements, according to the beſt of their ſkill and knowledge. Commiſſions of valuation.

(2) And the ſaid commiſſioners ſhall likewiſe have power to examine witneſſes upon oath, upon any article of account, alledged to be expended in building the ſaid houſes and making the ſaid improvements. Examination of witneſſes.

(3) And where any biſhop or other eccleſiaſtical perſon ſhall build any houſe or out-houſes, or make other improvements, upon their menſal lands or glebes, and ſhall obtain a certificate for the ſame in purſuance of this act, if the ſaid biſhop or other eccleſiaſtical perſon, or their executors, or adminiſtrators, ſhall demand payment for the ſaid houſes and improvements according to the certificate granted, upon complaint of the ſucceſſors, of dilapidations in the ſaid houſe, out-houſes, or improvements, a commiſſion ſhall be granted in the manner and with the powers aforeſaid, to view and examine the ſaid buildings and improvements. Complaint of dilapidation.

(4) And the commiſſioners ſhall return a juſt report of the ſame to the chief governors, archbiſhop, or biſhop reſpectively, who upon hearing the allegations of each party ſhall aſcertain ſuch ſums as they ſhall judge reaſonable Return of commiſſioners.

ble to be allowed for ſuch dilapidations, which ſhall be deducted out of the ſums payable by the ſucceſſors, and ſhall by them be laid out in repairing ſuch buildings or improvements.

Vouchers for repairs.

(5) And ſuch ſucceſſor ſhall in the ſpace of twelve months produce proper vouchers to the chief governors, archbiſhop, or biſhop of the dioceſe reſpectively, that the ſame has been juſtly laid out on ſuch repairs.

The act, 10 Will. in force.

XLI. *ſect.* 10. The act 10 *Will.* 3. *cap.* 6. ſhall continue in full force in all points, except where the ſame is altered, amended, explained, and limited by this preſent act.

Limitation.

XLII. *ſect.* 11. Nothing in this preſent act contained ſhall extend to any certificates for houſes or improvements upon menſal lands or glebes already made or begun, and which have not been certified for according to the ſaid act.

Grants of tenants in tail.

XLIII. *Stat.* 1 *Geo.* 2. *cap.* 15. *ſect.* 1. It ſhall be lawful for perſons ſeized of an eſtate tail in poſſeſſion in any lands, by their deeds under their hands and ſeals to grant ſuch lands as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, in ſuch manner, and under ſuch reſtrictions, as they might have done by virtue of the acts 15 *Car.* 1. *cap.* 11. *and* 8 *Geo.* 1. *cap.* 12. or either of them, if they were ſeized of an eſtate in fee-ſimple in ſuch lands, and all grants ſo to be made ſhall be good againſt all perſons claiming under ſuch entail, or by virtue of any remainder or reverſion expectant thereupon.

Truſts for cure.

XLIV. *ſect.* 2. It ſhall be lawful for any perſons, who, by virtue of this act or of the ſaid recited acts, are enabled to make any grant of lands as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, to grant lands to any perſons and their heirs in truſt, for any curate or other eccleſiaſtical perſon having the actual cure of ſouls, in any appropriate or impropriate benefice, and their ſucceſſors, in ſuch manner and under ſuch reſtrictions as by this act, or by the ſaid recited acts are provided, concerning grants to be made of land as a glebe for any ſuch incumbent or miniſter.

Rents of glebes in arrear.

XLV. *ſect.* 3. If a year's rent of the lands granted in purſuance of this act or of the ſaid recited acts, ſhall be unpaid by the ſpace of twenty-one days, the perſons to whom the ſame ſhall be due, may apply to the biſhop of the dioceſe, who ſhall ſummon the party before him.

Sequeſtration of benefice.

(2) And if ſuch eccleſiaſtical perſon who ſhall be ſo in arrear and ſo ſummoned, ſhall not make it appear, by the oath of one witneſs, that ſuch rent hath been paid, the biſhop ſhall ſequeſter the profits of ſuch benefice or curacy where ſuch lands are ſo granted for a glebe, until the ſaid arrear of rent, and all coſts attending ſuch ſequeſtration, to be aſcertained by the biſhop of the dioceſe, ſhall be diſcharged.

Succeſſors liable.

(3) And if ſuch arrear of rent, and the coſts attending ſuch ſequeſtration, ſhall remain unpaid notwithſtanding ſuch ſequeſtration, at the death, ceſſion, or removal of ſuch eccleſiaſtical perſon, the ſame ſhall be paid by the ſucceeding rector, vicar, *or* curate.

New ſequeſtration.

(4) And if he ſhall neglect to pay the ſame for one calendar month after his admiſſion into ſuch benefice, the biſhop of the dioceſe, upon complaint and proof thereof on oath, ſhall grant a new ſequeſtration till the ſame be fully diſcharged, and ſuch ſucceeding rector, vicar, curate, or other eccleſiaſtical perſon, ſo paying ſuch arrears of rent and charges, ſhall recover the

ſame

ſame from his predeceſſor, his executors or adminiſtrators, by action of debt in any court of record in Dublin, in which no eſſoign, &c. ſhall be allowed.

(5) And that ſuch ſucceſſor may not be charged with more than one whole year's rent, reſerved by ſuch grant for ſuch arrears, ſuch eccleſiaſtical perſon ſhall annually at the ordinary viſitation to be held for ſuch dioceſe, exhibit unto the biſhop, or to his official holding the ſaid viſitation, a ſufficient acquittance in full for all rent due out of the premiſſes, the laſt rent day before the ſaid viſitation, and prove the perfection of ſuch acquittance by the oath of one witneſs. Acquittance to be produced.

(6) And in caſe ſuch acquittance ſhall not be ſo exhibited and proved, ſuch biſhop or official is required to ſequeſter the profits of ſuch benefice, and the ſame to keep ſo ſequeſtered until out of the iſſues thereof, he ſhall be enabled to pay all rent due out of the premiſſes, at the rent day aforeſaid, together with the charges of ſuch ſequeſtration, which rent he is required forthwith to diſcharge. Sequeſtration.

XLVI. *ſect.* 4. If ſuch eccleſiaſtical perſon, for whoſe uſe ſuch grant ſhall be made or their ſucceſſors, ſhall neglect to build or make ſuch improvements, as ſhall be covenanted in ſuch deed of grant within the time limited therein, for the doing thereof, the biſhop of the dioceſe on information thereof, ſhall ſequeſter ſo much of the profits of ſuch benefice, and for ſo long time, as he ſhall judge neceſſary for the compleating ſuch building and improvements, and therewith ſhall cauſe the ſame to be ſo made and compleated. Neglecting to build.

(2) And if any eccleſiaſtical perſon for whoſe uſe ſuch grant ſhall be made, or their ſucceſſors, ſhall have no other benefice than that to which ſuch lands ſo to be granted for a glebe do belong, ſuch eccleſiaſtical perſon, or their ſucceſſors, ſhall not demiſe the ſaid lands ſo granted, or any part thereof, but ſhall himſelf occupy the ſaid lands. Reſtraint of demiſes.

(3) And if ſuch eccleſiaſtical perſon ſhall have another benefice, the curate officiating in his abſence ſhall enjoy the full benefit of ſuch lands, ſo granted for a glebe, with the improvements thereon, under the rent reſerved, and ſhall occupy the ſame himſelf during the abſence of ſuch eccleſiaſtical perſon, over and above his ſtipend, appointed for ſuch curate by the biſhop of the dioceſe. Curate to hold the glebe, &c.

XLVII. *ſect.* 5. Every eccleſiaſtical perſon who ſhall be admitted into any eccleſiaſtical benefice of the yearly value of one hundred and fifty pounds or upwards, having no houſe fit for the reſidence of the incumbent thereof, and being endowed with glebe land lying near his pariſh church, convenient for building, ſhall within a time certain to be limited by the biſhop of the dioceſe, after he has been two years in poſſeſſion of ſuch benefice, build and improve upon ſuch glebe land, by erecting one dwelling-houſe of ſtone, or brick and lime, and timber in the roof, and in the floors with oak or fir timber, bog oak excepted, and covered with ſlates, ſhingles, or tiles. Incumbents to build on glebes.

(2) And in caſe any ſuch rector or vicar ſhall neglect to make ſuch building and improvement, within the time ſo limited, it ſhall be lawful for the biſhop of the dioceſe, where ſuch benefice is ſituate, with the conſent of the archbiſhop of the province firſt had under his archiepiſcopal ſeal, or if ſuch benefice be within the dioceſe of an archbiſhop, it ſhall be lawful for ſuch archbiſhop, with the conſent of the chief governors of this kingdom firſt had under their hands and ſeals, to ſequeſter a fourth part of the profits of ſuch benefice, Sequeſtration of a fourth of the benefice.

benefice, till a ſum not exceeding a year and a half's income of ſuch benefice be received, which the archbiſhop or biſhop ſhall cauſe to be laid out in making ſuch building and improvement upon ſuch glebe land as aforeſaid.

Ability to grant glebes.

XLVIII. *ſect.* 6. It ſhall be lawful for every archbiſhop, biſhop, dean, dean and chapter, archdeacon, dignitary or prebendary, having land to them as ſuch reſpectively belonging near any church, and convenient for a glebe for the ſaid church not already endowed with ten acres of glebe, that is to ſay, every biſhop with the conſent of his dean and chapter ſignified by certificate in writing under their common ſeal, and where there is no dean and chapter, with the conſent of the archdeacon and ſix beneficed clergymen of his dioceſe, ſignified in writing under their hands and ſeals, and every dean, dean and chapter, archdeacon, dignitary or prebendary, with the conſent of the archbiſhop or biſhop of the dioceſe, ſignified by certificate in writing under their archiepiſcopal or epiſcopal ſeal reſpectively, to grant any quantity thereof, not exceeding twenty acres plantation meaſure, by deed under their hands and ſeals to be enrolled in the chancery to any perſons and their heirs in truſt for any ſuch reſident curates officiating in any appropriate or impropriate benefice, as ſhall be nominated, licenſed, or admitted for the cure of ſouls in ſuch pariſhes and their ſucceſſors, at the moiety of the yearly rent, or for any greater ſum, which rent ſhall be paid by ſuch reſident curate and his ſucceſſors to ſuch biſhop, &c. and their reſpective ſucceſſors by four quarterly equal portions, and in caſe of non-payment it ſhall be lawful for the ſaid biſhop, &c. or their ſucceſſors, to diſtrain and ſue for the ſame.

Moiety of value.

Deans and chapters.

XLIX. *ſect.* 7. It ſhall be lawful for all deans and chapters, having lands belonging to them as a body politic near any church, and convenient for a glebe for the ſaid church, not already endowed with ten acres of glebe, with the conſent of the biſhop of the dioceſe to which ſuch dean and chapter belong, during the continuance of the act 2 *Ann. cap.* 10. to grant any quantity thereof, not exceeding twenty acres plantation meaſure, to the rector or vicar and their ſucceſſors, or to any perſons and their heirs in truſt for any ſuch curate or other eccleſiaſtical perſon having the actual cure of ſouls, and their ſucceſſors, at ſuch rent ſo payable, and with like power to recover the ſame as by the ſaid act is provided for biſhops, deans, dignitaries and prebendaries, and the ſaid twenty acres or leſſer quantity of land ſo granted, ſhall be reputed the glebe of the incumbent of the ſaid pariſh church, and of his ſucceſſor to whom it is granted.

Payments by the ſucceſſors.

L. *ſect.* 8. Every eccleſiaſtical perſon who ſhall build or improve on any land granted for a glebe in purſuance of this act, for which a certificate ſhall be obtained as is appointed by *the* act 12 *Geo.* 1. *cap.* 10. ſuch eccleſiaſtical perſon, his executors or adminiſtrators ſhall receive from his next ſucceſſor three fourth parts of the ſums ſo certified, and ſuch ſucceſſor having paid the three fourth parts of the ſums ſo certified, or his executors or adminiſtrators, ſhall receive two thirds thereof, that is, one moiety of the ſum firſt certified from his next ſucceſſor, which ſucceſſor having paid the ſaid moiety, of the ſaid firſt ſum, or his executors or adminiſtrators, ſhall receive from his next ſucceſſor, one half thereof, that is, one fourth part of the ſums in the firſt certificate mentioned; all which ſums ſo to be received, ſhall be paid and recovered in the ſame manner as the ſums to be paid and recovered by *the* act 29 *Will.* 3. *cap.* 6. are directed to be paid and recovered.

One year and a half's income.

LI. *ſect.* 11. Provided that no eccleſiaſtical perſon or ſchool-maſter ſhall be obliged to pay his predeceſſor, or the executors or adminiſtrators of his predeceſſor,

ceſſor, by virtue of any certificates for building and improving ſuch glebe or demeſne granted in purſuance of this act, any greater ſums than the clear value of one year and a half's income ſo limited as aforeſaid.

LII. *Stat.* 3 *Geo. cap.* 12. *ſect.* 1. It ſhall be lawful for any perſons, ſeized of an eſtate for life in poſſeſſion in any lands with immediate remainder over to their own iſſue, by deed to grant any part of ſuch lands, not exceeding twenty acres plantation meaſure, and being no part of the demeſne lands uſually occupied with the manſion-houſe belonging to ſuch tenant for life, as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, and his ſucceſſors, or to any perſons and their heirs in truſt for any curate or eccleſiaſtical perſon, having the actual cure of ſouls in any appropriate or impropriate benefice, and their reſpective ſucceſſors, ſubject to the payment of the yearly rent to be aſcertained in ſuch manner as herein after is directed, in as ample manner as if the perſons ſo granting the ſame had been ſeized of an eſtate in fee ſimple in ſuch lands, and all grants ſo to be made ſhall be good againſt all perſons claiming by virtue of any remainder or reverſion expectant upon the ſaid eſtate for life. Tenants for life. Subject to a rent.

LIII. *ſect.* 2. Provided that where any ſuch tenant for life ſhall grant any lands for a glebe in purſuance of this act, the ſheriff of the county where ſuch lands lie, at the requeſt of the biſhop of the dioceſe, and alſo of the grantor and grantee, is required to inquire by the oaths of twelve lawful freeholders of the ſaid county, of the time and place of which inquiry notice ſhall be given at ſome preceding county court, and likewiſe upon the oaths of ſuch credible witneſſes as ſhall be produced by either party, of the moſt improved rent and full yearly value and quantity of the lands ſo to be granted. Inquiry by a jury.

(2) And to return the ſaid yearly value of ſuch lands ſo found together, with the mears and bounds thereof, to the biſhop of the dioceſe, who ſhall procure the ſaid return, certificate and deeds of grant, to be recorded in the exchequer in the firſt remembrancer's office, for which inqueſt and return the ſheriff ſhall receive ten ſhillings. Return of the value.

(3) And the ſaid remembrancer for recording the ſaid inqueſt, certificate and deeds of grant, ſhall receive ſix ſhillings and eight pence, both ſums to be paid by the grantee, which ſaid yearly value ſhall be for ever after the rent payable out of the ſaid lands ſo granted. Remembrancer's fees.

(4) And the ſaid inqueſt, certificate and deeds of grant ſo recorded, ſhall be concluſive againſt the grantor, and all claiming any title in the ſaid lands in reverſion, remainder or expectancy under him, or under any ſettlement or entail of the ſaid lands. Inqueſt concluſive.

LIV. *ſect.* 3. The ſaid lands ſo granted ſhall from thenceforth be adjudged to be glebe or demeſne lands belonging to the ſaid pariſh, and ſubject to and regulated by all clauſes and limitations in all former laws made concerning the endowing churches with glebe for the encouraging of the building houſes, and making other improvements on church lands, and to prevent dilapidations. The lands granted to be glebe.

LV. *ſect.* 4. And for the better enabling clergy having cure of ſouls, to reſide on their reſpective benefices, every ſuch eccleſiaſtical perſons for whoſe uſe ſuch grants ſhall be made in purſuance of this act, and their ſucceſſors, ſhall be liable to perform all the covenants *for* payments of rents, and for building and improving on ſuch lands, as are directed or required by any of the laws *mentioned in Stat.* 1 *Geo.* 2. *cap.* 15. Covenants in leaſes.

LVI. *Stat.*

Exchanging lands for glebes.

LVI. *Stat.* 5 *Geo.* 2. *cap.* 6. *ſect.* 7. During the term of *twenty-one years*, it ſhall be lawful for any dignitary, rector or vicar, or other perſon having cure of ſouls, to exchange with any biſhop or other perſon ſuch glebe, or any part thereof as is inconveniently ſituated, for land of equal value more conveniently ſituated, though not ſo near the church, with ſuch conſent and in ſuch manner, and under ſuch limitations, and to ſuch effect as in the act 2 *Ann. cap.* 10. are mentioned.

Continuation.

Such part of the act, 5 *Geo.* 2. *cap.* 6. *which any way relates to the act* 2 *Ann. cap.* 10. (for the exchange of glebes belonging to churches, *&c.) ſhall be in force for twenty one years, &c. by Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 1.

Dividing and uniting glebes.

LVII. *Stat.* 7 *Geo.* 2. *cap.* 7. *ſect.* 3. The chief governors of this kingdom, with the aſſent of the major part of the privy council, ſix at leaſt conſenting, and with the approbation of the archbiſhop of the province, and the biſhop of the dioceſe certified under their hand and archiepiſcopal and epiſcopal ſeals, with the conſent of the reſpective patrons and incumbents certified under their hands and ſeals, atteſted by two or more credible witneſſes, as by the act 2 *Geo.* 1. *cap.* 14. is directed, in caſe of dividing or ſeparating, or uniting pariſhes and erecting new ones made by virtue of the ſaid act, may alſo divide and ſeparate, or unite the glebes belonging to ſuch pariſhes ſo divided and ſeparated, or united, and annex the ſame or any proportion thereof, to ſuch divided or united pariſhes which ſhall be erected into new pariſhes, or united to others.

New erected pariſhes.

LVIII. *ſect.* 4. All diviſions and ſeparations, or union of glebes made by virtue of this, or the acts 2 *Geo* 1. *cap.* 14. and 10 *Geo.* 1. *cap.* 6. where the ſaid glebes or any proportion thereof ſhall be annexed to any new erected pariſhes, or united to others, ſhall be good and valid, and the ſaid glebe, or ſuch part thereof, which ſhall be ſo annexed, ſhall be deemed to be the glebes of ſuch new erected or united pariſhes, and the incumbents of ſuch new erected or united pariſhes ſhall enjoy the ſaid divided and ſeparated, or united part of the ſaid glebe annexed to ſuch new erected or united pariſh, as if ſuch new erected or united pariſh had been an old pariſh, and as if ſuch proportion of glebe had been always enjoyed as the glebe belonging to ſuch new erected or united pariſhes.

Payments for improvements.

LIX. *Stat.* 9 *Geo.* 2. *cap.* 13. *ſect.* 1. *Whereas it has been doubted whether any biſhop or other eccleſiaſtical perſon chargeable by the act* 12 Geo. 1. cap. 10. *with three fourth or two fourth parts of any ſums of money certified for buildings, or other improvements on church lands, or entitled by the ſame to receive two fourths or one fourth of ſuch money from his next ſucceſſor, can ſue for or recover the ſaid two fourths or one fourth, or any part thereof not having paid the whole money charged on him by the ſaid acts*; for the removal of ſuch doubt, every biſhop or other eccleſiaſtical perſon intitled to receive two fourths or one fourth as aforeſaid, who ſhall pay more than one fourth of the whole money charged in ſuch certificate, ſhall receive and recover from his next ſucceſſor, or his executors or adminiſtrators, ſo much of the ſaid two fourths, or one fourth reſpectively, as ſuch biſhop or other eccleſiaſtical perſon ſhall have paid more than the amount of one fourth part of the whole money charged in ſuch certificate, for which money ſo to be received and recovered, every ſuch biſhop

ſhop or other eccleſiaſtical perſon reſpectively, and their reſpective executors and adminiſtrators, ſhall have the like remedy againſt his next ſucceſſor and his executors and adminiſtrators, as ſuch biſhop or other eccleſiaſtical perſon might have had for the whole two fourths, or one fourth aforeſaid, in caſe the whole money charged upon ſuch biſhop or other eccleſiaſtical perſon had been paid according to the direction of the acts 10 *Will.* 3. *cap.* 6. and 12 *Geo.* 1. *cap.* 10.

LX. *ſect.* 2. No biſhop or other eccleſiaſtical perſon, who ſhall be promoted to any biſhoprick or other eccleſiaſtical benefice, ſhall be deemed a ſucceſſor within the intention of this or the former acts, liable to the payment of any money charged on any biſhoprick or other eccleſiaſtical benefice by virtue of any certificate by virtue of this or the ſaid former acts, who ſhall happen to die or be removed within one year from the death tranſlation or removal of the biſhop or other eccleſiaſtical perſon immediately preceding him in the biſhoprick, or other eccleſiaſtical living whereunto he was ſo promoted. Promotion or death within a year.

LXI. *ſect.* 3. Provided that when any biſhop or other eccleſiaſtical perſon ſhall die or be tranſlated or removed, the perſon ſucceeding who ſhall firſt be entitled to a year's profit of ſuch biſhoprick or benefice, the ſaid year to be reckoned from the death, tranſlation, or removal of ſuch biſhop or other eccleſiaſtical perſon, ſhall be deemed to be the next ſucceſſor to ſuch biſhop or other eccleſiaſtical perſon ſo dying, tranſlated, or removed, for the purpoſe only of being chargeable with the payment of money certified for building on church lands, and for purchaſing lands according to this and the ſaid former acts. Next ſucceſſion.

LXII. *ſect.* 4. Every biſhop or other eccleſiaſtical perſon chargeable by this or the former acts, with the payment of any ſum of money certified as aforeſaid, ſhall pay the one moiety of ſuch money as ſoon as he is become a ſucceſſor, chargeable therewith according to the intention of this act, and the other moiety thereof by two equal half-yearly payments within the next year. Times of payment.

LXIII. *ſect.* 6. All certificates which ſhall be given or made out for any ſums of money, to be charged upon any archbiſhoprick or biſhoprick for any buildings or improvements to be made purſuant to the act 12 *Geo.* 1. *cap.* 10. or the act 10 *Will.* 3. *cap.* 6. ſhall contain a true account of the clear yearly income of the ſeveral united biſhopricks, held by the archbiſhop or biſhop building ſuch houſes or making ſuch improvements, at the time of the making thereof. Account of the value.

(2) And all the ſums ſo certified, though the ſame ſhall be laid out on one only of the ſaid united biſhopricks, ſhall be charged upon all the united biſhopricks, while the ſame ſhall continue ſo united, and ſhall be paid by ſuch perſons and in ſuch manner as all other money laid out in building houſes, or making other improvements, is directed to be paid by virtue of this or the ſaid acts. United biſhopricks.

LXIV. *ſect.* 7. The not having given in to the perſon impowered to give a certificate by *Stat.* 12 *Geo.* 1. *cap.* 10. an account in writing of ſuch intended buildings and improvements, three months before they were begun, ſhall no ways invalidate or make void any certificate already given, or hereafter to be given, for any buildings or improvements made or begun in purſuance of this and the aforeſaid acts, but for the future it may be ſufficient to give in ſuch account Account of buildings.

account to the perſon impowered to give a certificate, one fortnight before ſuch buildings or improvements are actually begun. *See Par.* LXXII.

Changing the ſcite.

LXV. *Stat.* 15 *Geo.* 2. *cap.* 5. *ſect.* 5. It ſhall be lawful for any archbiſhop, with the approbation of the lord lieutenant or other chief governors, ſignified by writing under the hand and ſeal of ſuch lord lieutenant or other chief governors, and for any biſhop, with the approbation of the archbiſhop of the province, ſignified by writing under his hand and archiepiſcopal ſeal, to change the ſcite of the manſion-houſe of ſuch archbiſhoprick or biſhoprick, and to make a new manſion-houſe, out-houſes, orchards, gardens, and other neceſſary improvements, on any other part of his demeſne or menſal lands, or other lands in his poſſeſſion belonging to his ſee, that ſhall be more convenient for the reſidence of him and his ſucceſſors;

Improvements on new ſcites.

(2) And ſuch archbiſhop or biſhop who ſhall build or improve in manner aforeſaid, and ſhall procure ſuch certificate as is directed by the acts 12 *Geo.* 1. *cap.* 10. *and* 9 *Geo.* 2. *cap.* 13. ſhall be intitled to all the encouragements, and ſhall have and recover all ſuch ſums of money as they would be intitled to by the ſaid acts, in caſe ſuch houſes had been built or other improvements made on the ſcite of the old manſion-houſe of the ſaid ſee; and the immediate ſucceſſor of ſuch archbiſhop or biſhop, and his ſucceſſors reſpectively, and their reſpective executors and adminiſtrators, ſhall alſo be intitled to ſuch proportions of the ſums expended in erecting ſuch new houſe and making other improvements, as they would be reſpectively intitled to, in caſe the ſcite of ſuch manſion-houſe had not been changed; the ſaid reſpective ſums to be received and recovered in ſuch manner as archbiſhops and biſhops are enabled by the ſaid recited acts, to recover any ſums laid out in building and making other improvements on their demeſne lands.

Releaſe of former demands.

LXVI. *ſect.* 6. Provided, that no archbiſhop or biſhop, who at the time of his building purſuant to this act, ſhall have a manſion-houſe on his ſee, ſhall be intitled to or have any certificate for building a new houſe or making other improvements in virtue of this act, until ſuch time as he ſhall execute a ſufficient releaſe of all demands, that he, his executors or adminiſtrators might be intitled unto, on account of the building or repairing of that houſe whereof the ſcite ſhall be changed purſuant to this act.

No repairs of former houſes.

LXVII. *ſect.* 7. Provided alſo, that no archbiſhop or biſhop that ſhall ſo build or improve purſuant to this act, or his ſucceſſors, ſhall be obliged to keep the former manſion-houſe, or the out-houſes thereunto belonging in repair, or be chargeable with dilapidations for not repairing thereof.

Commiſſion to view repairs.

LXVIII. *Stat.* 17 *Geo.* 2. *cap.* 8. *ſect.* 2. It ſhall be lawful for the chief governors of this kingdom, and every archbiſhop and biſhop reſpectively, to grant a commiſſion as by the acts 10 *Will.* 3. *cap.* 6. 12 *Geo.* 1. *cap.* 10. *and* 9 *Geo.* 2. *cap.* 13. is directed to perſons to view and examine all repairs heretofore made, of any old and ruinous buildings on any demeſne, glebe, or menſal lands, ſince the paſſing the ſaid acts, or any of them, and to return a faithful account and eſtimate of ſuch repairs, purſuant to and under the regulations in the ſaid acts, and on ſuch return it ſhall be lawful for the chief governors, and the ſaid archbiſhops and biſhops reſpectively, to grant a certificate as by the ſaid acts, or any of them is directed, according to the value reported by ſuch commiſſioners, or for any leſſer ſum than ſhall be ſo returned

returned by the ſaid commiſſioners, if to the ſaid chief governors, archbiſhops or biſhops reſpectively, it ſhall ſeem meet, although no ſuch account in writing as by the ſaid act of the twelfth of his late Majeſty is mentioned, was delivered in to the perſons impowered by the ſaid acts to grant ſuch certificate previous to the beginning ſuch repairs.

Certificates for repairs.

(2) Which certificate to be granted purſuant to this act, ſhall be as good as if ſuch account in writing had been given in purſuant to the ſaid former acts, or any of them, and ſhall intitle the perſon obtaining the ſame, his executors, or adminiſtrators, and alſo the ſucceſſors of the perſon obtaining the ſame, their executors and adminiſtrators reſpectively, to recover ſuch proportion of the ſum ſo certified to have been laid out, from ſuch perſons and in ſuch manner as any other certificate granted in purſuance of the ſaid acts, or any of them might have done, and ſuch certificate ſhall be as good for the recovery of the ſum certified, and the reſpective proportions thereof, to be paid by the firſt, ſecond, and third ſucceſſor of the perſon that obtained ſuch certificate, as if a previous account in writing as aforeſaid had been delivered in to ſuch perſons, as by the ſaid acts or any of them, are impowered to grant ſuch certificate.

Future accounts.

(3) And for the future an account in the general of the houſe, out-houſes, or other buildings, and the ſeveral parts thereof intended to be repaired, and of the ſum intended to be laid out in ſuch repairs, ſhall be delivered in to the perſons impowered to grant ſuch certificate, one fortnight before ſuch repairs are begun, provided this ſhall not extend to annual neceſſary repairs.

Continuation of acts.

LXIX. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 1. Every clauſe, article, and proviſo contained in the act 2 *Ann. cap.* 10. *for the exchange of glebes belonging to churches*, &c. and ſuch parts of the act, 5 *Geo.* 2. *cap.* 6. which any way relates to the aforeſaid act, ſhall be in force, as they now ſtand, for twenty-one years, and to the end of the then next ſeſſion of parliament.

Incumbents to build houſes.

LXX. *Stat.* 31 *Geo.* 2. *cap.* 11. *ſect.* 1. All perſons who are already poſſeſſed of, or ſhall hereafter accept of any deanry, archdeaconry, dignity, prebend, or of one or more rectories, having no vicarage endowed, vicarages perpetual, curacies, or other eccleſiaſtical preferments, with cure of ſouls belonging thereto, which either ſingly or jointly, or together with what he at this time hath, or at the time of the acceptance thereof, ſhall enjoy in the ſame dioceſe, ſhall make up one hundred pounds *per annum*, every ſuch dean, archdeacon, dignitary, prebendary, rector, vicar, curate, or other eccleſiaſtical perſon, having cure of ſouls, after he hath been three years in poſſeſſion thereof, to be computed from the time of the commencement of this act, or from the time of his admiſſion, and having no houſe thereon fit and convenient for his reſidence, and any one of ſuch benefices, being endowed with ſuch portion of glebe land, as the archbiſhop or biſhop of the dioceſe ſhall judge fit and convenient for building thereon, ſhall, within a time certain to be limited and appointed by the archbiſhop or biſhop of the dioceſe, build and improve on ſuch glebe land, in ſuch manner, with ſuch conſent, under ſuch rules and limitations, and with ſuch benefits and advantages, and be intitled to ſuch proportion of the money laid out in building and improving on ſuch glebe land, as by *Stat.* 1 *Geo.* 2. *cap.* 15. is mentioned and expreſſed.

Authority of biſhops.

LXXI. *ſect.* 2. Every archbiſhop and biſhop ſhall have the like authority to oblige the ſaid before-mentioned perſons to build and improve upon their

reſpective glebe-lands, as by the ſaid act is given to the ſaid archbiſhops and biſhops, in reſpect of the perſons therein mentioned, in as full and ample manner, as if the perſons herein deſcribed had been mentioned in the ſaid act.

Money out of the firſt fruits.

LXXII. *ſect.* 3. Provided, that no ſuch dignitary or incumbent, ſhall be obliged by this act, to build a houſe upon the glebe belonging to any benefice, the value of which ſhall not, *communibus annis*, amount to fifty pounds to ſuch incumbent, unleſs ſuch incumbent ſhall previouſly obtain from the truſtees of the firſt-fruits, a grant of a ſum, not leſs than fifty pounds, to enable him the better to carry on the building of ſuch houſe; which ſum ſo granted, the truſtees of the firſt-fruits ſhall be enabled to give before the houſe is begun to be built, and in ſuch manner as they ſhall think proper.

Leaſes of lives renewable for ever.

LXXIII. *ſect.* 4. It ſhall be lawful for all perſons ſeized of an eſtate in fee, or of an eſtate tail in poſſeſſion, or of an eſtate for life, with a remainder over to their own iſſue, in any lands, by their deeds duly executed under their hand and ſeal, to grant and demiſe ſuch lands, or part of them, as a glebe for the incumbent or miniſter of any pariſh, having actual cure of ſouls, for one or more life or lives renewable for ever, reſerving ſuch rents out of ſuch lands, and in the ſame manner, and under ſuch reſtrictions, as to the number of acres, and every other condition, as the ſaid perſons ſeized of ſuch reſpective eſtates in ſuch lands might, by the acts now in force *(enabling perſons to grant glebes)* or any of them, have granted ſuch lands reſpectively, in fee ſimple, or fee farm.

Grants by biſhops, deans, &c.

LXXIV. *ſect.* 5. It ſhall be lawful for every archbiſhop, biſhop, dean and chapter, dignitary, or prebendary, to grant any land to their archbiſhoprick, biſhoprick, deanry, capitular body, dignity, or prebend belonging, for a glebe to any pariſh, at whatſoever diſtance it may lie from the ſame, with ſuch conſents, and under ſuch reſtrictions, as in the acts *paſſed in the reign of Queen Anne, King George the firſt, and his preſent Majeſty, all now of force, whereby power is given to archbiſhops, biſhops, deans, deans and chapters, dignitaries, or prebendaries, having land belonging to them as ſuch, near any church, and convenient for a glebe to it, to grant ſuch land, or part thereof, as a glebe*, are mentioned, to the intent, that ſuch land ſo granted may be afterwards exchanged for other lands lying near the church, and more convenient for the reſidence of an incumbent.

Exchange of lands.

LXXV. *ſect.* 6. Provided that every grant ſo made of lands, at a diſtance, for glebe, ſhall be abſolutely void, unleſs an exchange for other lands lying nearer and more convenient be made and perfected purſuant to the ſaid acts, within the ſpace of two years after the making ſuch grant.

Lands granted or demiſed for glebes.

LXXVI. *ſect.* 7. All lands granted or demiſed for lives renewable for ever, or exchanged in manner herein before-mentioned, ſhall from thenceforth be adjudged to be glebe or demeſne lands, belonging to each pariſh reſpectively, and ſhall be ſubject to and regulated by all clauſes and limitations in all laws made for the endowing of churches with glebes, and for the encouraging the building of houſes, and making other improvements on church-lands, and to prevent dilapidations, and for the better enabling the clergy, having cure of ſouls, to reſide on their reſpective benefices.

LXXVII. *Stat.* 7 *Geo.* 3. *cap.* 9. *ſect.* 3. Chief governors, and every archbiſhop and biſhop reſpectively, may impower one or more perſons to be named in

in commiſſions, or any one of them, to adminiſter ſuch oath, as by 12 G. 1. required, to the commiſſioner; and all ſuch oaths as ſhall be ſo adminiſtered, and ſuch as have been theretofore adminiſtered by any perſons heretofore authorized by any ſuch commiſſion, deemed to have been duly adminiſtered.

Oath to commiſſioners as by 12 G. 1. c. 10. ſ. 9, to view improvements.

LXXVIII. *ſect.* 4. Upon any complaint of dilapidations to chief governors, or any archbiſhop or biſhop by the ſucceſſor chargeable with payments, they may iſſue ſuch commiſſions with ſuch powers and authorities as in 12 G. 1. mentioned; and on return of ſuch commiſſions, and hearing the allegations of each party, aſcertain ſuch ſum, as they ſhall adjudge reaſonable, to be allowed for ſuch dilapidations, which ſhall be deducted out of the ſum payable by ſuch ſucceſſor, and ſhall by them be laid out in repairing ſuch buildings and improvements, as by the former act directed.

On any complaint of dilapidations commiſſioners may iſſue as by 12 G. 1. c. 10. ſ. 9.

Sum deducted from the charge laid out on improvements.

LXXIX. *ſect.* 5. In all caſes whatſoever where any biſhop or other eccleſiaſtical perſon ſuffers any dilapidations in buildings or improvements on demeſne or glebe lands, the archbiſhop in the caſe of a biſhop, or the biſhop in the caſe of any other eccleſiaſtic, may iſſue ſuch commiſſions, with ſuch powers and authorities, and aſcertain ſuch ſums, as ſhall be judged reaſonable to be expended or allowed for repair of ſuch dilapidations in ſuch manner as preſcribed by ſaid act, and enforce payment of ſuch ſums ſo aſcertained, in ſuch manner as by the laws now in being the ſums adjudged to be paid or allowed for dilapidations are recoverable.

Payment for dilapidations inforced.

LXXX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 27. *ſect.* 1. Whereas by an act 7 *Ann* it is enacted, that lands given in exchange for glebes, or any part exchanged, ſhall be held by rectors and vicars, and ſucceſſors, as glebe, notwithſtanding the ſame did formerly belong to any archbiſhop, biſhop, tenant for life or in tail, with the conſent of the perſon immediately in remainder: and whereas it hath been found expenſive, inconvenient and impoſſible in many caſes to obtain ſuch conſent: it ſhall be lawful for perſons ſeized of an eſtate tail in poſſeſſion in any lands by deeds, under their hands and ſeals, to exchange ſuch lands, or any part, as a glebe for the incumbent or miniſter of any pariſh having actual cure of ſouls, or for a demeſne for a maſter of any free ſchool in ſuch manner and effect, as perſons ſeized of eſtate tail in poſſeſſion of any lands are enabled to grant ſuch lands as a glebe for incumbent of any pariſh having actual cure of ſouls, by an act 1 G. 2. intitled, *An act for rendering more effectual an act*, intituled, *An act for better enabling the clergy having cure of ſouls to reſide upon their benefices, and for encouragement of proteſtant ſchools*; and under ſuch regulations as they might by ſaid act, 2 *Ann* or any other act in force.

Rec. 2 Ann, c. 10. ſ. 3.

Remainder man's conſent inconvenient to be obtained; tenant in tail may by deed exchange for a glebe or ſchoolmaſter's demeſne,

as by 1 G. 2. c. 15.

2 A. c. 10, or any other act.

LXXXI. *ſect.* 2. It ſhall be lawful for the rectors, vicars, and other perſons having any cure of ſouls, or the maſter of any free ſchool, by deed, to exchange ſuch glebes or demeſnes, as lie at a diſtance from the pariſh church or free ſchool, or any part, with any lay corporation, or body corporate or politick, for lands of equal value, worth, and purchaſe, near and convenient to ſaid church or ſchool, as by the act 2 *Ann*, intitled, *An act for the exchange of glebes belonging to churches*, is directed.

Diſtant glebe or demeſne may by deed be exchanged with corporations for equal lands near and convenient, as by 2 A. c. 10.

LXXXII. *ſect.* 3. It ſhall be lawful for any lay corporation, or body corporate or politick, by proper deeds in writing, under corporation ſeal, and enrolled within ſix months, for which enrollment thirteen and four pence, and no more, ſhall be paid, over and above the expences uſually paid to the engroſſing

Corporations may by deed enrolled endow with new glebe not above 40 acres where none, or only 10 acres, inrollment 13s. 4d.

ſing clerk, to endow any church, chappelry, or perpetual curacy, appropriate or impropriate, having no glebes, or not above ten acres, with a new glebe; provided the ſaid new glebe of any one church, chappelry, or perpetual curacy, ſo endowed, ſhall not exceed forty acres at moſt; and ſaid lands ſhall be conſidered as glebe lands to all intents, purpoſes, and advantages of the ſeveral ſtatutes in force, for encouragement of building and improving upon glebe or church-lands.

Recital 11 & 12 G. 3. c. 17. ſ. 4 & 5.

LXXXIII. *ſect.* 6. And whereas by an act 11 & 12 G. 3. it is enacted, that where any archbiſhop, biſhop, or other eccleſiaſtical perſon, ſhall obtain a certificate for erecting new buildings, or making other neceſſary improvements on a new ſcite within his demeſne, glebes, or menſal lands, as is by ſaid in part recited act directed, he, his executors, &c. ſhall from his next and immediate ſucceſſor, inſtead of three fourths, receive the full ſum compriſed in ſuch certificate; provided ſuch ſum ſhall not exceed the clear value of two years income; and whereas it hath been doubted, whether perſons, who ſhall build or make improvements, or have ſo built or made improvements, ſhall be intitled to ſaid ſum, although they have not compleated or finiſhed their ſaid buildings and improvements, ſo as to make them fit and proper for reſidence of themſelves and ſucceſſors; the archbiſhops, biſhops, and other eccleſiaſtical perſons, and all maſters of free ſchools, who have heretofore, or ſhall hereafter, ſo build and make improvements upon their demeſne, glebe, or menſal lands, ſhall not be intitled to a certificate for a ſum not exceeding clear two years income, except they ſhall have previous thereto compleated and finiſhed their ſaid buildings and improvements, agreable to memorials approved of, and made them fit and proper for reſidence of themſelves and ſucceſſors, but ſhall receive three fourths only, for ſo much of as expended, before the death or removal of ſaid archbiſhops, biſhops, ſchool-maſters, and other eccleſiaſtical perſons, as directed by 12 G. 1, intitled, *an act to amend and explain an act*, intituled, *an act to encourage building of houſes, and making other improvements on church-lands, and to prevent dilapidations.*

doubt thereon;

no certificate for 2 years income for buildings and improvements on glebes, &c. unleſs compleated ſo as fit for reſidence,

but for 3-4ths only, as by 12 G. 1. c. 10.

Tenant for life in poſſeſſion may by deed exchange as a glebe for pariſh miniſter or ſchool-maſter's demeſne, as tenant in tail, by 1 G. 2. c. 15. 2 Ann, c. 10, or by any other act in force.

LXXXIV. *Stat.* 15 & 16 *Geo.* 3. *cap.* 17. *ſect.* 1. Whereas a doubt hath ariſen, whether under the ſeveral acts in force relative to exchange of glebe, and for other purpoſes, a tenant for life of lands in poſſeſſion is empowered and authorized to exchange ſuch lands, or any part thereof, in like manner, and for ſuch purpoſes, as tenants in tail in poſſeſſion are enabled: to remove ſaid doubt, and for better and more ſpeedy execution of the good purpoſes intended by ſaid acts, it ſhall be lawful for every perſon, ſeized of an eſtate for life in poſſeſſion in any lands, by deed or deeds, under his or their hands and ſeals, to exchange ſuch lands, or any part thereof, as a glebe for the incumbent or miniſter of any pariſh, having actual cure of ſouls, or for a demeſne for a maſter of any free ſchool, in ſuch manner, and to ſuch effect, as perſons ſeized of an eſtate tail in poſſeſſion are enabled to grant ſuch lands as a glebe for incumbent of any pariſh having actual cure of ſouls, by an act the firſt of George the ſecond, and under ſuch reſtrictions as he or they might have done by an act the ſecond of queen Anne, or any other act now in force.

LXXXV. *ſect.* 2. Whereas there is room to doubt, whether endowments can be made under the powers and ſtatutes in force, where ſuch church, chapel, or perpetual curacy, or free ſchools, ſhall, at the time of intended endowment, be

Glebes and Manſe-houſes.

be poſſeſſed of ten acres of glebe in perpetuity: for better encouragement of the clergy to build glebe houſes, and reſide within their pariſhes, it ſhall be lawful for any eccleſiaſtical or lay corporation, or body corporate or politick, and for every perſon ſeized of an eſtate in fee, for life, or in tail, of any lands in poſſeſſion, without conſent of the next heir, or next in remainder, under the ſeveral rules, limitations, and reſtrictions of the ſeveral ſtatutes in force for that purpoſe, to endow with new glebe and demeſne any church, chapel, perpetual curacy, or free ſchool, though at the time of ſaid endowment in poſſeſſion of more than ten, and under twenty acres of glebe lands or demeſne, to ſuch church, chapel, perpetual curacy, or free ſchool of right belonging; provided ſuch quantity of land ſo granted, together with all other glebe before belonging, ſhall not exceed forty acres plantation meaſure.

Endowment of new glebe or demeſne may be made, tho' the church, chapel, curacy, or ſchool poſſeſſed of more than 10 and under 20 acres, ſo as not above 40 in all.

LXXXVI. *ſect.* 3. Provided nothing in this act ſhall extend to alter or take away from the force of the laws and ſtatutes relative to exchange of glebe, or endowments of churches with new glebes; but the ſame, and every part thereof, ſhall remain and be in full force, as if this act never made, ſave where they, or any of them, altered or amended by this act.

Statutes as to exchange of glebes & endowments, in force, ſave as altered.

LXXXVII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 36. *ſect.* 1. An act ſecond of queen Anne, *for the exchange of glebes*, and continued by ſeveral ſubſequent acts, and by twenty ninth George the ſecond, continued in force for twenty-one years, and from thence to the end of then next ſeſſion of parliament.

2 Ann, c. 10, continued 21 years, &c.

Gold and Silver.

I. Artic. ſuper chart. 28 *Edw.* 1. *cap.* 20. No goldſmith ſhall make any veſſel or other thing of gold or ſilver, except it be of true allay, *viz.* gold of a certain touch, and ſilver of the ſterling allay, or better, at the pleaſure of him to whom the work belongeth, and none ſhall work worſe ſilver than money.

True allay.

(2) And no veſſel of ſilver ſhall depart out of the hands of the workers, until it be aſſayed by the wardens of the craft, and marked with the leopard's head, and they ſhall work no worſe gold than of the touch of Paris. And the wardens of the craft ſhall go from ſhop to ſhop among the goldſmiths to aſſay if their gold be of the touch, and if they find any other than of the touch, the gold ſhall be forfeit to the King; and none ſhall ſet any ſtone in gold except it be natural, and cutters of ſtones and of ſeals ſhall give to each their weight of ſilver and gold.

Veſſels to be aſſayed.

II. *Eng. Stat.* 5 *Hen.* 4. *cap.* 13. No man ſhall gild nor ſilver any locks, rings, beads, candleſticks, harneſs for girdles, chalices, hilts nor pomels of ſwords, powder boxes nor covers for cups, made of copper or latten, upon pain to forfeit to the King 100*s.* and to make gree to the party grieved; but chalices excepted, artificers may work ornaments for the church of copper and latten, and the ſame gild or ſilver, ſo that in the foot or ſome other part, the copper and latten ſhall be plain.

Gilding or ſilvering.

III. *Eng. Stat.* 2 *Hen.* 5. *ſtat.* 2. *cap.* 4. The goldſmiths ſhall gild no ſilver worſe than of the allay of Engliſh ſterling, and that ſhall be of a reaſonable price

Gilding of ſilver

price and not exceſſive; and if any goldſmith do contrary, he ſhall forfeit to the King the value of the thing ſo ſold.

Penalty.

IV. *Eng. Stat.* 8 *Hen.* 5. *cap.* 3. None ſhall gild any ſheaths nor metal but ſilver, and the ornaments of holy church, nor ſhall ſilver metal but knights ſpurs, and the apparel that appertaineth to a baron, and above that eſtate, upon pain of forfeiture to the King, ten times ſo much as the thing ſo gilt is of value, and ſhall have alſo one year's impriſonment; and the juſtices of peace ſhall have power to inquire thereof and determine; and he that will ſue for the King, ſhall have the third part of the pecuniary pain.

Carrying out ſilver.

V. *Stat.* 35 *Hen.* 6. *cap.* 1. All men coming out of other lands with their merchandiſes, that is to ſay, Frenchmen, Spaniards, Britons, Portugals, and other nations, ſhall pay for every pound of ſilver that they carry out of Ireland xl. d. to the King's cuſtomer to the uſe of the King; and if any man do the contrary in concealing of the ſaid cuſtom, he ſhall pay for every penny xxs. to the ſaid cuſtomers to the King's uſe.

Finers and parters.

VI. *Eng. Stat.* 4 *Hen.* 7. *cap.* 2. *ſect.* 1. No finer of gold and ſilver, nor parter of the ſame by fire or water, ſhall allay any fine ſilver nor gold, ne none ſell to any perſon but only to officers of mints changes and goldſmiths: and the maſters of mints changes and goldſmiths, for all ſuch fine gold and ſilver coming to them, to anſwer the value; and no finer or parter ſhall ſell ſilver in maſs, molten and allayed, upon pain of forfeiture of the ſame, the King to have the one half, and the finder that will ſue in the exchequer the other half. And if any finer or parter of gold and ſilver, either by fire or water, allay or ſell any fine ſilver or gold, otherwiſe than is ordained in this act, he ſhall loſe the value of the ſame, the King to have the one half, and the finder that will ſue in the exchequer the other half.

Standard of ſilver.

(2) Alſo all fine ſilver ſhall be made ſo fine, that it may bear twelve penny weight of allay in a pound weight, and yet be as good as ſterling, or rather better; and every finer ſhall put his mark upon ſuch fine ſilver, upon pain of the value found contrary to be forfeit, the King to have the one half, and the finder that will ſue in the exchequer the other half. And no goldſmiths ſhall melt or allay any ſilver but only for making of amels for diverſe works of goldſmithry, and for amending of plate.

Silver molten into maſs.

VII. *ſect.* 2. Nor ſhall they ſell fine ſilver, or other ſilver allayed molten into maſs to any perſon. This ordinance to be kept by the goldſmiths in every point upon pain of forfeiture of the ſilver or value thereof; the King to have one half, and the finder that will ſue in the exchequer the other half.

Recital.

VIII. *Stat.* 4 *Ann. cap.* 12. *ſect.* 1. Whereas by a ſtatute made in England in the firſt year of Henry the fourth, it was enacted to this effect, namely, "*That none from thenceforth ſhould uſe to multiply gold or ſilver, or uſe the* "*crafts of multiplication; and if any of the ſame do, they ſhall incur the pe-* "*nalty of felony,*" and whereas ſince the making the ſaid ſtatute, divers perſons have arrived to great ſkill in the art of melting and refining of metals, and extracting gold and ſilver out of the ſame, but dare not exerciſe their ſkill within this realm, for fear of falling under the penalty of ſaid ſtatute; from henceforth

henceforth the aforeſaid article in the ſaid act made in England, ſhall not be of force within this realm of Ireland. Repeal of ſt. 5. H. 4.

The act here referred to is by miſtake ſaid to be in the firſt year of Hen. 4. *it ought to have been* 5 Hen. 4. cap. 4.

IX. *Stat.* 8 *Ann. cap.* 6. *ſect.* 6. If any perſon ſhall blanch copper for ſale, or mix blanched copper with ſilver, or knowingly buy or ſell, or offer to ſale blanched copper alone, or mixt with ſilver, or fraudulently buy or ſell or offer to ſale any malleable compoſition or mixture of metals or minerals, which ſhall be heavier than ſilver, and look, touch, and wear like ſtandard gold, but is manifeſtly worſe than ſtandard, every ſuch perſon ſhall be guilty of felony, and being thereof convicted or attainted, ſhall ſuffer death as in caſe of felony. Blanched copper, metal like gold.

X. *Stat.* 3. *Geo.* 2. *cap.* 3. *ſect.* 30. There ſhall be paid unto his Majeſty upon all gold or ſilver plate which ſhall be imported into the kingdom of Ireland, over and above all other cuſtoms and duties already impoſed thereon, a duty at the rate of ſix pence for every ounce Troy, and ſo proportionably, to be paid down in ready money by the importer thereof, and upon all gold or ſilver plate, which ſhall be made or wrought in Ireland, a duty at the rate of ſix pence for every ounce Troy to be paid by the makers or workers thereof. Duty on plate.

Theſe duties are continued annually.

XI. *ſect.* 31. The ſaid duty upon wrought plate to be imported, ſhall be levied and paid to his Majeſty, by ſuch methods, and under ſuch penalties and forfeitures, as the duties upon cards and dice imported impoſed by this act are appointed to be levied and paid. *See Tit.* Cards and Dice. Levying duties.

XII. *ſect.* 32. *During the term of twenty-one years* no goldſmith, ſilverſmith, or perſon working or trading in wrought or manufactured gold or ſilver, ſhall ſell or expoſe to ſale, barter or exchange any gold or ſilver plate, veſſel, or manufacture of gold or ſilver, unleſs it be ſilver wire, or ſuch things not exceeding four penny-weight, which in reſpect of their ſmallneſs are not capable of receiving a mark, until ſuch plate, &c. ſhall be aſſayed, touched, and marked in manner hereafter preſcribed, upon pain of forfeiting the value thereof, to be recovered by civil bill before the judges of aſſize in their reſpective circuits, and at the ſeſſions of the county of Dublin, and county of the city of Dublin, by any perſon who ſhall diſcover and ſue for the ſame, where the value ſhall not exceed ten pounds, and where the value ſhall exceed ten pounds, the ſame ſhall be recovered by action of debt, &c. in any court of record at the Four-courts in Dublin; one moiety, where the value of ſuch forfeiture ſhall exceed ten pounds, to his Majeſty, to the uſes in this act mentioned, the other moiety to them that ſhall firſt diſcover and ſue for the ſame. Plate to be aſſayed and touched.

XIII. *ſect.* 33. All gold or ſilver plate wrought or manufactured in Ireland, during the term of twenty-one years, ſhall be aſſayed by the aſſay-maſter to be appointed by the company of goldſmiths in the city of Dublin, and after ſuch aſſay made, if ſuch gold plate ſhall be found conformable to the ſtandard of twenty-two carrats of fine gold in every pound Troy, and if ſuch ſilver plate ſhall be found conformable to the ſtandard of eleven ounces two penny weight fine ſilver in every pound Troy, then the ſame ſhall be touched by Standard of ſilver.

by the wardens of the ſaid company, and marked with the marks now uſed for that purpoſe.

Duty of ſix pence an ounce.

(2) And after the ſame ſhall be touched, and marked as aforeſaid, then the ſaid duty of ſix pence per ounce impoſed by this act, ſhall be paid by the perſon bringing ſuch plate to be aſſayed and touched, for every ounce of plate ſo aſſayed and touched, and ſo proportionably, except before excepted, over and above all other duties now payable for aſſaying and touching the ſame, to the ſaid aſſay-maſter, who is required upon receipt of the ſaid duty, to ſtamp or mark without fee or reward, the ſaid plate with ſuch ſtamp or mark as the commiſſioners of his Majeſty's revenue, or any three of them, ſhall, from time to time appoint.

Entry by aſſay-maſter.

(3) And after the marking thereof as aforeſaid, the aſſay-maſter is required to enter in a book the ſeveral quantities of wrought or manufactured plate ſo by him ſtamped or marked, and the names of the owners of ſuch plate, and the days and times of ſtamping or marking thereof, and the duty impoſed by this act received by him, upon receipt of which duty the aſſay-maſter ſhall give an indented receipt numbered under his hand for the ſaid duty, to the perſons who ſhall pay the ſame, a duplicate of which indented receipt ſhall be kept by him in a book bound for that purpoſe.

Account once a month.

XIV. *ſect.* 34. The ſaid aſſay-maſter ſhall once at leaſt in every month bring into his Majeſty's exchequer, all money by him received upon account of the duty hereby impoſed upon plate, and pay the ſame to the vice treaſurers, who are required to give acquittances for the ſame, in the manner as for any other his Majeſty's revenue.

Books to be lodged.

XV. *ſect.* 35. The ſaid aſſay-maſter ſhall once in every year or oftner if required by the commiſſioners of his Majeſty's revenue or any three of them, return and lodge with them the ſaid books, containing an account of the duties received by him by virtue of this act, and duplicates of receipts given by him for the ſame.

Aſſay maſter to be ſworn.

XVI. *ſect.* 36. The ſaid aſſay maſter, before he ſhall be empowered to mark ſuch plate, or receive any duty impoſed by this act on the ſame, ſhall be ſworn to the due and faithful execution of his office in aſſaying ſuch plate and marking the ſame purſuant to this act, and alſo to bring into his Majeſty's exchequer once every month at the leaſt, all monies received by him on account of the duties hereby impoſed on plate, except as hereafter is excepted, which oath ſhall be adminiſtered by the commiſſioners of his Majeſty's revenue, or any three of them, who ſhall give to ſuch officer a certificate thereof.

Security to be given.

XVII. *ſect.* 37. The aſſay-maſter, before he ſhall be allowed to ſtamp or mark any ſuch plate, or receive any duty thereon by virtue of this act, ſhall with ſufficient ſecurity to be approved of by the ſaid commiſſioners, or any three of them, enter into a bond of the penalty of one thouſand pounds to his Majeſty, for the due execution of his office, and the truſt repoſed in him by this act, which bond ſhall be forthwith lodged in the office of the chief remembrancer of the exchequer.

Counterfeiting ſtamps.

XVIII. *ſect.* 38. If any perſon ſhall counterfeit or forge any ſtamp or mark, to reſemble any ſtamp or mark which in purſuance of this act ſhall be provided to denote the payment or charging the duty on plate or manufactures of plate payable by this act, or ſhall counterfeit or reſemble the impreſſion of the ſame upon any plate, thereby to defraud his Majeſty of any part of the ſaid duty, or ſhall utter, vend or ſell any plate with ſuch counterfeit ſtamp or

or mark, knowing the ſame to be counterfeit, or ſhall privately or fraudulently uſe any ſtamp or mark, to be provided and uſed in purſuance of this act relating to the ſaid duty, ſo as thereby to defraud his Majeſty of any part of the ſaid duty, every perſon ſo offending and being thereof convicted, ſhall be adjudged a felon, and ſhall ſuffer death without benefit of clergy. Felony.

XIX. *ſect.* 39. The officer appointed by this act to ſtamp or mark plate to denote the payment of the ſaid duties thereon, ſhall detain out of thoſe duties the yearly ſum of twenty pounds for his ſalary for the execution of the ſaid office. *Brit. Stat.* 6 *Geo.* 1. *cap.* 11. Salary of the officer.

XX. *Stat.* 15 *Geo.* 2. *cap.* 6. *ſect.* 4. Whereas by *Stat.* 3 *Geo.* 2. *cap* 3. *for the encouragement of tillage, and better employment of the poor, &c.* it is enacted, that twenty pounds *per annum* ſhould be paid to the aſſay-maſter of the city of Dublin, for collecting and receiving the duty thereby laid upon wrought and manufactured plate, which ſalary being apprehended to be too ſmall, the commiſſioners appointed by the ſaid act may be impowered to grant an additional ſalary to the ſaid aſſay-maſter, not exceeding twenty pounds. Additional ſalary.

XXI. *Stat.* 23 *Geo.* 2. *cap.* 5. *ſect.* 1. The duties on wrought and manufactured gold and ſilver plate, which by the act 3 *Geo.* 2. *cap.* 3. are chargeable, ſhall be continued from the twenty fifth of March 1751, for twenty-one years from thence enſuing. Continuation of duties.

XXII. *ſect.* 2. The duties hereby continued ſhall be collected during the ſaid twenty-one years, in like manner and with ſuch powers as are appointed by the ſaid act, or by any other law now in force relating to the ſaid duties, or the manner of collecting them, with like remedy of appeal. Collection as before.

XXIII. *ſect.* 3. All pecuniary penalties inflicted by the ſaid act, which ſhall ariſe during the ſaid term, ſhall be recovered and diſtributed in ſuch manner, and the ſeveral offenders ſhall be ſubject to ſuch corporal puniſhment, in caſe of non-payment thereof, as are appointed by the ſaid act, with like remedy of appeal. Pecuniary penalties.

XXIV. *Stat.* 25 *Geo.* 2. *cap.* 10. *ſect.* 20. No perſon ſhall buy, barter, or exchange any wrought gold or ſilver plate, or manufacture of gold or ſilver from any goldſmith, or other perſon working or trading in wrought or manufactured gold or ſilver, unleſs it be ſilver wire, or ſuch things not exceeding four penny weight, which in reſpect of their ſmallneſs are not capable of receiving a mark, not being aſſayed, touched and marked by the aſſay-maſter in manner preſcribed by the act 3 *Geo.* 2. *cap.* 3. at the time ſuch gold or ſilver plate ſhall be delivered to the buyer, upon pain of forfeiting the value thereof; to be ſued for and recovered as by the ſaid laſt mentioned act is preſcribed, for recovering the like penalty thereby inflicted on gold and ſilverſmiths, for ſelling or expoſing to ſale gold or ſilver plate not aſſayed, touched, and marked according to the directions of the ſaid act, which penalty and forfeiture hereby laid upon the buyer of ſuch unſtamped plate, as well as the penalty and forfeiture laid upon the ſeller by the act 3 *Geo.* 2. ſhall be to the ſole uſe and benefit of the informer. Buying plate untouched.

XXV. *ſect.* 21. The perſon who ſhall be empowered to aſſay and touch wrought and manufactured gold or ſilver purſuant to the ſaid act 3 *Geo.* 2. ſhall once in every year, or oftener, if required by the corporation *for promoting* Account of the quantities touched.

moting an inland navigation in Ireland, lay before them a true account of all ſuch wrought and manufactured gold and ſilver plate, and the quantity or number of ounces thereof reſpectively, as ſhall have been aſſayed, touched, and marked by him within the time required by the ſaid corporation for that purpoſe, together with the names of the owners or proprietors of ſuch plate, or of the perſons who brought or ſent ſuch plate to be aſſayed, touched and marked, and the days and times of ſtamping or marking thereof, and the duty received for the ſame.

Separate accounts of duties.

XXVI. *ſect.* 22. The collectors of his Majeſty's revenue ſhall return diſtinct and ſeparate accounts of the duties granted and continued by the acts *3 Geo. 2. cap. 3. & 23 Geo. 2. cap. 5.* in their weekly and monthly abſtracts, and in their quarterly accounts, and the examinator of the cuſtoms, and the examinator of the hearth-money ſhall certify ſeparately ſuch part of the ſaid duties as comes under their reſpective examination, to the accomptant general, in order to enable him to keep ſeparate accounts of the ſame, which he is required to do.

Former act in force.

XXVII. *ſect.* 24. All the clauſes of the act of the third year of his preſent Majeſty, not hereby repealed or varied, ſhall be in force, as if this act had not been made.

Copper, &c. to be ſpun on thread.

XXVIII. *Stat.* 1 *Geo.* 3. *cap.* 9. *ſect.* 1. All copper, braſs, and every other metal inferior to ſilver, ſhall be ſpun upon thread yarn or incle only, and not ſpun, mixed, wove, wrought, or ſet upon ſilk, upon pain that every perſon offending therein, ſhall forfeit five ſhillings for every ounce ſo ſpun, mixed, wove, wrought, or ſet upon ſilk.

Silver wire.

Gilt wire.

XXIX. *ſect.* 2. All ſilver wire to be drawn for the making of ſilver thread, ſhall hold at leaſt eleven ounces fifteen penny weight of fine ſilver upon the pound weight Troy, and all ſilver to be gilt, and made uſe of in the wire-drawers trade, ſhall hold at leaſt eleven ounces ten penny weight of fine ſilver upon the pound weight Troy, and ſhall not have leſs than four penny weight four grains of fine gold without any allay, laid upon each pound weight of the ſaid ſilver, upon pain that the refiner or maker thereof, ſhall forfeit five ſhillings for each ounce ſo made contrary to the directions of this act.

Colouring gilt wire,

proportion of ſilk.

XXX. *ſect.* 3. No gilt wire ſhall be coloured with verdegreaſe, or dead-head, or any other force colour, upon pain that the perſon ſo offending ſhall forfeit two ſhillings and ſix pence for every ounce ſo coloured, and for all gold and ſilver prepared as aforeſaid, and reduced into plate, there ſhall be allowed at leaſt ſix ounces of the ſaid plate to cover four ounces of ſilk, except large twiſt, freeze, freezon, froſt, and cheque, and alſo except round brocade, uſed in the making brocaded gold and ſilver ſilks, or ſtuffs only, in which there ſhall be allowed at the leaſt ſix ounces of the ſaid plate to cover five ounces of ſilk, and no more; all which gold and ſilver plate ſhall be ſpun cloſe upon well boiled and light dyed ſilk only, except froſt, being run thin, and ſpun upon different coloured ſilk; and in caſe any ſpinner of gold and ſilver thread, or other perſon, ſhall lay gold or ſilver plate upon any greater proportions of ſilk, or in any other manner than as before directed by this act (except as is herein before excepted) ſuch ſpinner or other perſon ſhall forfeit two ſhillings and ſix pence for every ounce ſo ſpun.

Mixing materials.

XXXI. *ſect.* 4. If any perſon ſhall ſell, or offer to ſale, any gold or ſilver purle lace, mixed with any other metal or materials than gold or ſilver, ſilk and vellum, the perſon ſo ſelling, or offering the ſame to ſale, ſhall forfeit for every ounce two ſhillings and ſix pence.

XXXII. *ſect.*

XXXII. *ſect.* 5. If any perſon ſhall ſell any gold or ſilver wire, plate, thread, lace, or fringe, by any other weight than Troy weight, the perſon ſo ſelling, ſhall forfeit for every ounce ſo ſold, five ſhillings. Troy weight.

XXXIII. *ſect.* 6. If any maker or ſeller of any goods, made or mixed with gold or ſilver thread, or plate, ſhall make or ſell any goods mixed with gold or ſilver thread or plate, made contrary to the intent of this act, ſuch perſons ſhall forfeit five ſhillings for every ounce of gold and ſilver thread or plate ſo made or ſold. Penalty.

XXXIV. *ſect.* 7. No gold or ſilver thread, lace, fringe, or any other work made thereof, or any thread, lace, fringe, or other work made of copper, braſs or any other inferior metal, or gold or ſilver wire or plate, not of the manufacture of Great Britain, ſhall be imported upon pain of being forfeited and burned, and upon the further penalty of one hundred pounds, to be paid by the importer thereof, for every parcel ſo imported. Manufacture of Great Britain.

XXXV. *ſect.* 8. Of the ſeveral penalties and forfeitures inflicted by this act, one moiety ſhall be to the uſe of his Majeſty, and the other moiety to them that ſhall inform, ſue, or proſecute for the ſame, and may be ſued for and recovered by action of debt, bill, plaint, or information, in any court of record in Dublin, wherein no eſſoign, &c. ſhall be allowed. Diſpoſal of the penalties.

XXXVI. *ſect.* 9. If any perſon ſhall be ſued for what they ſhall do in the execution of this act, they may plead the general iſſue, and give this act, and the ſpecial matter in evidence; and if the plaintiffs ſhall become nonſuit, or diſcontinue their actions, or if a verdict ſhall paſs againſt them, the defendants ſhall recover treble coſts, for which they ſhall have the like remedy as in other caſes where coſts are allowed to defendants. General iſſue.

XXXVII. *ſect.* 10. Every ſuit, action, or proſecution to be brought by virtue of this act, ſhall be commenced within ſix calendar months after the offence committed. Limitation.

XXXVIII. *ſect.* 11. Nothing in this act contained ſhall be conſtrued to inflict any penalty upon any perſon for ſelling or expoſing to ſale, any ſilver wire, or ſilver or gold thread, or any lace or fringe, on or before the firſt day of May 1763, though the ſame be not made according to the rules and directions of this act. Commencement.

(2) Provided proof be made, by oath of one credible witneſs, before ſome juſtice of the peace of the county, city, town, or place where the ſame ſhall be ſold, or expoſed to ſale (which oath the ſaid juſtice is hereby required to adminiſter) that ſuch goods are really and *bona fide* the manufacture of this kingdom, and were made on or before the ſaid firſt day of May 1763. Proof on oath.

XXXIX. *ſect.* 12. Nothing in this act contained ſhall extend to prohibit any copper, braſs, or any other metal, inferior to ſilver, ſpun upon thread, yarn, or inkle, as this act directs, being wrought or ſowed with ſilk, upon any garment or apparel actually uſed in theatrical entertainments only. Cloaths in theatres.

XL. *ſect.* 13. This act ſhall be a publick act, and ſhall be judicially taken notice of as ſuch, by all judges, juſtices, and other perſons, without ſpecially pleading the ſame. Publick act.

XLI. *Stat.* 5 *Geo.* 3. *cap.* 1. *ſect.* 15. No gold or ſilver lace, except of the manufacture of Great Britain, ſhall after the twenty fifth day of December 1765, be imported into this kingdom, under the penalty of the forfeiture of all ſuch lace, and treble the value thereof, and the ſhip or veſſel in Forfeitures of lace, ſhips, &c.

which the ſame ſhall be imported, with all her guns, tackle, furniture, ammunition and apparel, one moiety of which forfeitures ſhall be to his Majeſty, &c. and the other to them who ſhall ſeize and ſue for the ſame, by action, bill, plaint, or information, in the court of Exchequer, wherein no wager of law, protection, eſſoign, or other dilatory plea ſhall be allowed.

Grand Jury.

Previous affidavit by grand juror.

I. *Stat.* 19 & 20 *Geo.* 3. *cap.* 44. *ſect.* 7. Every perſon, who ſhall appear to be ſworn on grand juries at Eaſter and Michaelmas, ſhall, before admitted to take grand juror's oath in court make affidavit following:

100l. a year in Dublin county.

You A. B. C. *do ſeverally ſwear, each for himſelf, that you are ſeized or poſſeſſed of an eſtate for life or lives, or years, of fifty pounds a year at the leaſt, or next in remainder or reverſion to an eſtate of one hundred pounds a year at the leaſt, or that you occupy, or are liable to pay ceſs for, two hundred acres of land at the leaſt within the county of Dublin, as the caſe may happen to be.*

Guardians.

Teſtamentary guardians.

I. *Stat.* 14 & 15 *Car.* 2. *cap.* 19. *ſect.* 3. Where any perſon ſhall have children under the age of twenty-one years, and not married at the time of his death, it ſhall be lawful for the father of ſuch children, whether born at the time of the deceaſe of the father, or at that time in *ventre ſa mere*, or whether ſuch father be within the age of one and twenty years, or of full age, by deed executed, or by his laſt will and teſtament in writing, in the preſence of two credible witneſſes to diſpoſe of the cuſtody and tuition of ſuch children, for ſuch time as they ſhall reſpectively remain under the age of twenty-one years, or any leſſer time, to any perſons in poſſeſſion or remainder, other than perſons not of the communion of the church of England.

Diſpoſitions good.

(2) And ſuch diſpoſition of the cuſtody of ſuch children ſhall be good againſt all perſons claiming the cuſtody and tuition of ſuch children, as guardian in ſocage or otherwiſe, and ſuch perſons to whom the cuſtody of ſuch children ſhall be diſpoſed or deviſed, may maintain an action of raviſhment of ward or treſpaſs againſt any perſon which ſhall wrongfully take away or detain ſuch child, and ſhall recover damages in the ſaid action, for the uſe of ſuch children.

Actions by guardians.

II. *ſect.* 4. Perſons to whom the cuſtody of ſuch children ſhall be ſo diſpoſed or deviſed, may take into their cuſtody, to the uſe of ſuch children, the profits of all lands, &c. and alſo the management of the goods and perſonal eſtate of ſuch children, till their reſpective age of twenty-one years, or any leſſer time, according to ſuch diſpoſition, and may bring ſuch actions, in relation thereunto, as a guardian in ſocage might do.

Apprentices.

III. *ſect.* 9. Provided alſo, that this act ſhall not extend to diſcharge any apprentice of his apprenticeſhip.

Heirs of papiſts.

IV. *ſect.* 11. Whenſoever any perſon, not being of the communion of the church of England, ſhall die ſeized of ſuch eſtate in lands, &c. for which his heir ſhould have been in ward, if this act had not been made, his heir being under the age of twenty-one years at the time of the death of ſuch anceſtor, it ſhall be lawful for the lord chancellor, the two chief juſtices of either bench, and chief baron of the exchequer, the maſter of the rolls, and chancellor of the exchequer, or any three of them, after inquiſition duly found and returned into the

the chancery, of the death of ſuch perſons not of the communion of the church of England, and of his heir being ſo under age, to diſpoſe of the cuſtody and tuition of ſuch heirs, for ſuch time as they ſhall remain under the age of twenty one years, or any leſſer time, to any perſons next of kin to the heir, and to whom the eſtate cannot by law deſcend, ſuch perſon being of the communion of the church of England.

Recognizance.

V. *ſect.* 12. Such perſons to whom the tuition and cuſtody of ſuch heirs ſhall be committed, ſhall firſt enter into recognizance, to the uſe of the ſaid heir, with good ſureties, before the ſaid lord chancellor, the ſaid two chief juſtices, chief baron, maſter of the rolls, and chancellor of the exchequer, or any three of them, with condition for the educating the ſaid heirs in the proteſtant religion, according to the communion of the church of England; and for the management and diſpoſal of the eſtates of ſuch heirs to their uſe and beſt advantage, and for the rendering a juſt account of the profits of ſuch eſtates to ſuch heirs when they ſhall come to full age, and for the not committing any waſte thereupon, and ſuch diſpoſition of the cuſtody of ſuch heirs ſhall be good againſt all perſons claiming the cuſtody or tuition of ſuch heirs, as guardian in ſocage or otherwiſe, and ſuch perſons to whom the cuſtody of ſuch heirs ſhall be diſpoſed as aforeſaid, may maintain an action of raviſhment of ward, or treſpaſs againſt any perſons which ſhall wrongfully take away or detain ſuch heirs, for the recovery of ſuch heirs, and ſhall recover damages in the ſaid action for the uſe of ſuch heirs.

Power of guardians.

VI. *ſect.* 13. Such perſons to whom the cuſtody of ſuch heirs ſhall be ſo diſpoſed may take into their cuſtody, to the uſe of ſuch heirs, the profits of all lands, &c. and alſo the management of the goods and perſonal eſtate of ſuch heirs, till the reſpective age of one and twenty years, or any leſſer time, according to ſuch diſpoſition, and may bring ſuch actions in relation thereunto, as a guardian in common ſocage might do.

Guardians dying.

VII. *ſect.* 14. If ſuch perſon, to whom ſuch grants ſhall be made of the cuſtody of children, ſhall die before he hath yielded an account unto the ſaid heirs of the profits of ſuch lands, defaulking all neceſſary and juſt charges, the heirs, executors, or adminiſtrators of ſuch guardian, ſhall be liable and yield a full account unto the ſaid heir, his executors, and adminiſtrators, of all ſuch profits, goods, and chattels, real and perſonal, ſo received by the ſaid guardian, for the benefit of the ſaid heirs, defaulking all neceſſary and juſt charges as aforeſaid, ſo far as they ſhall have aſſets from the ſaid guardian, or in his right, at the time of demand of ſatisfaction for the ſame.

Children dying.

(2) And if the ſaid children ſhall die, before they ſhall attain to their age of twenty-one years, it ſhall be lawful for the executors or adminiſtrators of ſuch children, to call the perſons ſo truſted for the benefit of them, and the heirs, executors, or adminiſtrators to an account for the ſame.

Habeas Corpus.

Expences of removal.

I. *Stat.* 8 *Geo.* 1. *cap.* 6. *ſect.* 9. No ſheriff or officer to whom any *habeas corpus* taken out in behalf of any defendant ſhall be directed, ſhall be obliged to remove the body of ſuch defendant, being in cuſtody on any execution taken out on judgment, in any civil action, by virtue of ſuch writ, until ſuch defendant

dant ſhall depoſit ſuch ſum to defray the expences of the removal, as the court, or judge, who grants the *habeas corpus* ſhall think proper. *See Tit.* **Corpus cum cauſa.**

Hawkers.

20s. a year paid by hawkers from 25th March 1782 to 1784,

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 14. *ſect.* 1. Whereas continuing the encouragement to Engliſh proteſtant ſchools will be of great benefit, and ſome publick fund ſhould be applied for that purpoſe: after twenty-fifth March one thouſand ſeven hundred and eighty-two, until twenty-fifth March one thouſand ſeven hundred and eighty-four, there ſhall be anſwered and paid unto his Majeſty, his heirs and ſucceſſors, by every hawker, pedlar, petty chapman, or other trading perſons going from town to town or to other mens houſes, fairs, marts, or markets, and travelling on foot or with horſe, horſes, or otherwiſe (except as hereinafter) and carrying to ſell or expoſing to ſale any goods, wares, or merchandizes (except as hereinafter) a duty of twenty ſhillings by the year; and every perſon ſo travelling with any horſe, aſs, mule, or any other beaſts bearing or drawing burthen, ſhall pay twenty ſhillings by the year from twenty-fifth March one thouſand ſeven hundred and eighty-two to twenty-fifth March one thouſand ſeven hundred and eighty-four, for each he or ſhe ſhall ſo travel with, over and above the ſaid firſt mentioned duty; which rates and duties ſhall be collected as the duty for licences to keep ale houſes is raiſed and collected by an act thirty-third of George the ſecond, as fully to all intents as if particularly expreſſed and enacted again in this act.

and 20s. each beaſt,

collected as ale houſe licence by 33 G. 2. c. 10. ſ. 93.

Note of manner of travelling given yearly to exciſe collector.

II. *ſect.* 2. Every pedlar, hawker, petty chapman, and other trading perſons ſo travelling, ſhall before twenty-fifth March one thouſand ſeven hundred and eighty-two, and ſo in every year, deliver or cauſe to be delivered to collector of exciſe of the diſtrict where he or ſhe ſhall reſide or dwell, a note in writing under his or her hand, or of ſome perſon by him or her authorized in what manner he or ſhe intends to travel and trade, whether on foot or with one or more horſes, aſſes, mules, or beaſts bearing or drawing burthen; and thereupon licences ſhall be granted by ſuch collector, for ſo travelling and trading; for which he or ſhe ſhall thereupon pay, or cauſe to be paid for each licence unto ſuch collector the yearly duty before directed.

Licence thereon paying duty.

Trading without or contrary to licence, 5l. to informer and the ſociety.

Refuſing to ſhew licence, 20s. to informer,

or committed.

III. *ſect.* 3. If any ſuch perſon after twenty-fifth March one thouſand ſeven hundred and eighty-two be found trading as aforeſaid without or contrary to, or not warranted by ſuch licence, ſuch perſon ſhall for every ſuch offence forfeit five pounds, one moiety to informer, the other to incorporated ſociety for Engliſh proteſtant ſchools; and if any ſo trading, upon demand by any revenue officer, or juſtice of peace, mayor, conſtable, or officer of peace of any county, city, town corporate or borough, where he or ſhe ſhall ſo trade, ſhall refuſe to produce immediately licence for ſo trading, the perſon ſo refuſing ſhall forfeit twenty ſhillings to the informer, and for non-payment ſuffer as a common vagrant, and be committed to houſe of correction.

Collectors on receipt ſhall grant licence,

IV. *ſect.* 4. It ſhall be lawful for ſaid collectors of the ſeveral diſtricts and they are required, upon terms and receipt as aforeſaid to grant one or more licences under their hands to every hawker, pedlar, petty chapman, or any other trading perſon for him or herſelf, with one or more horſes, aſſes, mules, or beaſts which they ſhall travel with, as the caſe ſhall require, according

ing to terms and directions of this act; and said collectors are required to inſert in ſuch licences the ages, places of abode, and a particular deſcription of perſons to whom granted, and to number each, and keep particular entries of ſuch deſcriptions and licences; for each of which ſhall be taken by ſuch collectors one ſhilling and no more, except ſuch hawker, pedlar, or petty chapman travel with horſe, aſs, or mule, or other beaſt, and in that caſe ſhall be paid two ſhillings and no more, over and above duties as aforeſaid; and ſaid collectors ſhall keep ſeparate and diſtinct accounts of the duties, and pay the money into treaſury, as other monies received for uſe of his Majeſty.

inſerting particular deſcription,

numbered and entered,

fee 1s. each,

if with a beaſt 2s.

diſtinct accounts kept,

paid into treaſury.

V. *ſect.* 5. Said collector ſhall be accountable for the duties, and ſubject to like penalties and forfeitures, for not rendering a true account, and paying the ſame, as for not rendering true account of any money received for uſe of his Majeſty.

Collectors accountable as for other money.

VI. *ſect.* 6. The monies ariſing from ſaid duties, ſhall from time to time be brought into exchequer, and without any fee or deduction be paid by vice treaſurer or receiver general, to the ſociety for Engliſh proteſtant ſchools, or their treaſurer for uſe of ſaid ſociety.

Brought into exchequer,

paid without fee to the ſociety.

VII. *ſect.* 7. If any forge or counterfeit, or cauſe to be, any licences for purpoſes aforeſaid, or travel with ſuch, knowing the ſame, ſuch perſon ſhall forfeit fifty pounds; one moiety to the King, and the other to him who ſhall proſecute, to be recovered by action of debt, bill, plaint, or information in any of the four courts at Dublin, in which no eſſoign, protection, or wager of law, or more than one imparlance allowed; and ſuch perſon ſhall be ſubject to ſuch other pains and penalties, as may be inflicted for forgery.

Forging licence, or travelling with ſuch knowingly,

50l. to King and proſecutor,

and other penalties.

VIII. *ſect.* 8. If any ſued, moleſted, or troubled, for putting in execution any powers in this act, or doing any thing purſuant, ſuch perſons ſhall and may plead general iſſue, and give the ſpecial matter in evidence; and if plaintiffs nonſuited, or judgment againſt them, upon a demurrer or otherwiſe, or verdict paſs for defendants, or a diſmiſs upon a civil bill, ſuch defendants ſhall have treble coſts, recovered as by law coſts to defendants may in other caſes.

General iſſue pleaded, &c.

and treble coſts on nonſuit, &c.

IX. *ſect.* 9. If any conſtable refuſe or neglect upon due notice, or his own view, to be aiding and aſſiſting in execution of this act, being thereunto required, being convicted by oath of one or more credible witneſſes before any juſtice for the county or place where ſuch offence committed, ſhall forfeit for every ſuch offence forty ſhillings, to be levied by diſtreſs and ſale of offenders goods by warrant under hand and ſeal of ſuch juſtice; one moiety to ſaid ſociety, the other to the informer who ſhall proſecute, rendering the overplus if any to the owners.

Conſtable on notice or view not aſſiſting, 40s. to informer and ſociety.

X. *ſect.* 10. It ſhall be lawful for any to ſeize and detain any ſuch trading perſons, and alſo the goods found trading with, until they produce a licence if they have any; and if found trading without licence contrary to this act, it ſhall be lawful for perſons ſo ſeizing, taking to their aſſiſtance ſuch as they think fit, to carry the perſon ſo ſeized and alſo ſaid goods before ſome one of juſtices for the county or place, or before the collector for the diſtrict, which juſtices and collectors are ſtrictly required, upon confeſſion, or due proof of a witneſs upon oath, which they are reſpectively empowered to adminiſter, that the perſon ſo brought had ſo traded, unleſs ſuch licence produced, by warrant under hand and ſeal, to cauſe five pounds to be forthwith levied by diſtreſs and ſale of offender's goods, wares, or merchandizes, rendering the overplus

And may ſeize and detain till licence produced, and with aſſiſtance carry perſons and goods before a juſtice or collector,

if no licence, 5l. levied forthwith by diſtreſs and ſale.

overplus, if any, to the owners, after deducting reaſonable charges for taking ſaid diſtreſs, and out of the ſale to pay the forfeiture.

Not to prohibit printed papers, fiſh, fruit, or victuals, or real makers,

XI. *ſect.* 11. This act ſhall not prohibit from ſelling any act of parliament, form of prayer, proclamation, gazette, almanack, or other printed paper, or any fiſh, fruits, or victuals, nor to hinder real workers or makers of any goods or wares within this kingdom, or their wives or apprentices from carrying abroad, expoſing to ſale, and ſelling any of the ſaid goods or wares of their making in any publick fairs, markets, or elſewhere, or any tinker, cooper, glazier, plumber, harneſs mender, or perſon uſually trading in mending kettles, tubs, houſhold goods, or harneſs whatſoever, from going about ſuch buſineſs only, or carrying proper materials for mending the ſame, and no other thing for ſale.

tinkers, &c.

Nor raw wool, frizes, worſted, or woollen ſtockings, ſo as no other goods carried.

XII. *ſect.* 12. This act ſhall not ſubject any who carry raw and unmanufactured wool or frizes, or worſted or woollen ſtockings from one part of the kingdom to another, or expoſe the ſame to ſale in any fair, market, or other place, to any of the duties or penalties before mentioned, ſo as ſuch perſons ſhall not at ſame time carry or expoſe to ſale any other goods, wares, or merchandizes.

Nor flax, tow, hemp, yarn, &c.

XIII. *ſect.* 13. This act ſhall not prohibit or reſtrain any from ſelling or expoſing in any place, any flax, tow, hemp, flaxen yarn, hempen yarn, ticken, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas, or cottons, or cotton and linen mixed; ſo as ſuch perſons ſhall not at ſame time carry or expoſe any other goods, wares, or merchandizes.

Metal pots or griddles ſubject only to 20s. yearly, tho' with horſes, &c.

XIV. *ſect.* 14. This act ſhall not ſubject any who carry pots or griddles of caſt iron or metal, or expoſe to ſale in any fair, market, or other place, to payment of any greater duty than twenty ſhillings by the year in the whole, though ſuch perſons travel with one or more horſes, or beaſts, ſo as ſuch perſons ſhall not at ſame time carry or expoſe any other merchandizes.

3 Commiſſioners may direct rewards.

XV. *ſect.* 15. It ſhall be lawful for commiſſioners of revenue, or any three or more to order and direct to be paid out of the monies raiſed by this act to ſaid collectors, their clerks, or any other perſons, ſuch ſums as they reaſonably deſerve, or may have expended in execution of or in relation to this act.

Not to licenſe ſale in corporations ſave as before.

XVI. *ſect.* 16. This act ſhall not give any power for licenſing any hawker, pedlar, or petty chapman, to ſell or expoſe any wares or merchandizes in any city, borough, town corporate or market town, any otherwiſe than he or ſhe might have done before; any thing herein to contrary notwithſtanding.

XVII. *ſect.* 17. Whereas dealers, hawkers, and pedlars, fraudulently to evade payment of duty on licences do not openly travel from town to town, or other men's houſes, but privately convey and carry their goods, wares, and merchandizes, and ſell or expoſe the ſame in ſhops, rooms, ware-houſes, or places hired in cities, towns, and places where they are not uſually reſident; and divers other perſons carry and convey their goods, wares, and merchandizes to publick ſtreets and places in cities, towns corporate, and other places where they reſide, but not adjoining or near to their dwelling-houſes or apartments, and ſell or expoſe upon booths, ſtalls, or ſtandings, without licence; and ſeveral under denomination of leather cutters or ſellers hawk about, and expoſe to ſale large and ſmall parcels of leather in booths, ſtalls, ſtandings, or otherwiſe; and divers under denomination of cryers of old caſt clothes do alſo hawk about old caſt clothes, and expoſe to ſale ſeveral of ſuch kind of goods on ſtands or ſtalls or otherwiſe without licence: after twenty-fifth of March one

one thouſand ſeven hundred and eighty-two until twenty-fifth March one thouſand ſeven hundred and eighty-four, all and every the perſons aforeſaid ſhall pay ſuch duty and take out ſuch licences as aforeſaid; and in caſe any found trading or ſelling, or expoſing to ſale any goods, wares, or merchandizes (except as herein) in any places in any city, borough, town corporate, market town, village, or other places wherein they have not been reſident one calendar month previous, and ſell or expoſe to ſale ſuch goods, wares, or merchandizes therein or in any of them without licence, ſuch perſons reſpectively, and alſo all ſuch as found trading or ſelling, or expoſing any goods, wares, or merchandizes except as aforeſaid, upon booths, ſtalls, ſtandings, or otherwiſe in any ſtreets or places in any place, ſuch booths or places of ſale not being adjacent or adjoining to their dwelling-houſes, or ſhops, or ware-houſes, or other apartments; and alſo all under denomination of leather cutters or ſellers, who hawk about and ſell, or expoſe large or ſmall parcels of leather in or upon booths, ſtalls, ſtandings or otherwiſe; and all who hawk about to purchaſe or ſell old caſt clothes of any kind, or ſell or expoſe to ſale any ſuch goods, on ſtands, ſtalls, or otherwiſe without licence, all ſuch perſons ſhall be deemed hawkers, pedlars, or petty chapmen within meaning of this act to all intents, and be liable to all penalties and forfeitures upon trading without licence; any thing herein to contrary notwithſtanding.

Selling without licence where not reſident 1 month,

on booths or ſtalls not adjoining,

leather cutters or ſellers,

caſt clothes criers, deemed hawkers, &c. within this act, and liable on trading without licence.

XVIII. *ſect.* 18. After twenty-fifth March one thouſand ſeven hundred and eighty-two until twenty-fifth March one thouſand ſeven hundred and eighty-four, every hawker, pedlar, and petty chapman for every perſon that ſhall be employed or carry, whether ſervant or other perſon, in his or her company or otherwiſe any boxes, or bundles, or parcels of goods, wares, or merchandizes, ſeparate or diſtinct, for the purpoſe of ſelling or trading with the ſame, ſhall take out and pay for a ſeparate and diſtinct foot licence for every ſuch perſon; and alſo, for every horſe, mule, aſs, or beaſt he or ſhe ſhall make uſe of or drive, whether in his or her own company or otherwiſe, ſhall take out and pay for a ſeparate and diſtinct horſe licence; and ſuch ſeparate and diſtinct perſon, whether ſervant or other employed or carrying ſuch boxes, bundles, or parcels, and ſuch hawker, pedlar, or petty chapman, that ſhall not take out an horſe licence for every horſe or beaſt he or ſhe ſhall make uſe of or drive, ſhall be ſubject and liable to all penalties and forfeitures upon trading without licence; it being the true intent, that for one foot licence no more goods, wares, or merchandizes ſhall be hawked about for ſale, than one perſon can well or reaſonably bear or carry or travel with, and for one horſe licence no more ſhall be carried about than one horſe, aſs, mule, or beaſt can well or reaſonably bear, or carry, or travel with; any thing herein to contrary notwithſtanding.

A diſtinct foot licence for every perſon (ſervant or other) employed,

and horſe licence for every beaſt in company or not,

or liable to penalties,

for 1 foot or horſe licence no more goods hawked than one can reaſonably bear.

Hearth-money.

I. *Stat.* 14 & 15 *Car.* 2. *cap.* 17. *ſect.* 1. Every dwelling and other houſe erected within this kingdom, other than ſuch as are hereafter excepted, ſhall be chargeable with the annual payment to the King, for every fire hearth, and other place uſed for firing and ſtoves within every ſuch houſe, two ſhillings by the year, to be paid at the feaſt of the annunciation, and the feaſt of St. Michael, by equal portions. Every owner or occupier of ſuch houſe ſhall within ſix days after notice given unto them by the reſpective conſtables of every

Annual payment.

 pariſh,

pariſh, or by ſuch other perſons as are hereafter by this act appointed to be aſſiſting to the ſaid conſtables in the execution of this act, deliver unto the ſaid conſtables or ſuch other perſons a true account in writing of all the hearths, firing places, and ſtoves, which are within their reſpective houſes. *See Par.* XXXI.

Conſtables to aſſiſt.

II. *ſect.* 2. The conſtables, and ſuch other perſons as are to be aſſiſting to them within whoſe limits any houſe charged by this act as aforeſaid are, ſhall by the twentieth day of December yearly, require the ſeveral occupiers of every ſuch houſe, to deliver unto them reſpectively accounts in writing, under their hands, of all ſuch hearths, firing places, and ſtoves, as ſhall be within their reſpective houſes, and upon receipt of the ſame, or upon default of ſuch account in writing, or in caſe there be no occupiers, then within ſix days after notice in writing fixed to the door, requiring ſuch account to be made, the ſaid conſtables and ſuch other perſons as are to be aſſiſting to them, ſhall enter into the ſaid houſes, in the day time, and compare ſuch accounts, and ſee whether the ſame be truly made or not.

View of hearths.

(2) And if no ſuch account be delivered, then ſhall take information by their own view of the number of ſuch hearths, &c. upon pain that every conſtable, and ſuch other perſons as are to be aſſiſting, who ſhall neglect to do the ſame, ſhall forfeit for every week they ſhall ſo neglect, forty ſhillings, and for every falſe return wilfully made, they ſhall forfeit for every hearth, &c. falſely returned or omitted, forty ſhillings.

Appointing aſſiſtants.

(3) And the juſtices of the peace in the ſeveral counties, cities, and towns, being counties of themſelves, ſhall at any ſeſſions of the peace, after the nine and twentieth day of September in each year, appoint two perſons of good repute in each pariſh, to join with and aſſiſt the conſtables in taking an account of the ſeveral hearths, &c. in each pariſh, and making up the aforeſaid returns, who together with the ſaid conſtables are to ſign and make the ſaid returns. *See Par.* XXVII.

Fine for refuſal or neglect.

III. *ſect.* 3. In caſe any of the perſons who are ſo to aſſiſt the making the ſaid returns, ſhall refuſe or neglect to take the ſaid account, or to join with the conſtables in making the ſaid returns, the juſtices of the peace ſhall at the next quarter ſeſſions to be held for that county, cauſe every perſon ſo refuſing to be indicted for ſuch his neglect, and upon conviction, impoſe ſuch a fine on him as they ſhall judge fit, not exceeding twenty ſhillings; and in ſuch caſe the juſtices ſhall receive a return from the ſaid conſtables, that ſo the due payment of the ſaid money be not retarded by ſuch neglect.

Fraudulent returns.

(2) And where the juſtices ſhall ſuſpect any returns that are brought in to be fraudulent, or ſhall be informed that the conſtables have not made full returns, the juſtices are to employ ſuch other perſons as they ſhall think fit, to take an account of the hearths, &c. of every pariſh where ſuch neglect ſhall happen.

Returning accounts.

IV. *ſect.* 4. The ſeveral conſtables and other perſons, who are hereby authorized to take the account of the aforeſaid hearths, &c. within their particular limits, ſhall at the next quarter ſeſſions after the twentieth day of December, deliver all ſuch accounts in writing as they ſhall receive, reform, or take by their own view, unto the juſtices of peace in their reſpective quarter-ſeſſions of the ſaid counties.

Accounts to be enrolled.

V. *ſect.* 5. The juſtices of peace ſhall cauſe all the ſaid accounts of the ſeveral hearths, &c. within the reſpective counties to be enrolled by the clerk of the peace, and a duplicate thereof in parchment under the hands and ſeals

ſeals of three or more of the juſtices, who are hereby required to ſign the ſame, to be returned into his Majeſty's court of exchequer, within two months after ſuch account delivered unto them at their quarter ſeſſions, upon pain that the clerk of the peace of every ſuch county offending therein, ſhall forfeit to his Majeſty fifty pounds for the firſt month, and for the ſecond month he ſhall ſo neglect every ſuch clerk of the peace ſhall forfeit their place, and the ſame ſhall become void. *See Par.* XXVII.

VI. *ſect.* 6. The ſheriffs of every county, &c. ſhall be collectors of the ſeveral ſums ariſing within their reſpective limits, for which purpoſe the clerk of the peace of the ſaid counties, ſhall within two months after ſuch accounts delivered to the juſtices of the peace, deliver unto the reſpective ſheriffs one other duplicate of the ſaid returns, in parchment, under the hands and ſeals of two at the leaſt of the juſtices, who are hereby required to ſign the ſame. Sheriffs to be collectors.

(2) And the ſaid ſheriffs ſhall, every half year by themſelves, or ſuch other perſons as they ſhall reſpectively under their hands and ſeals appoint, and for whom they will be anſwerable, collect the ſeveral ſums payable by virtue of this act from the ſeveral occupiers of the hearths, &c. and upon payment thereof ſhall give ſeveral acquittances without taking any thing for the ſame, and ſuch acquittance ſhall be a full diſcharge to every perſon who ſhall pay the ſame againſt his Majeſty. *See Par.* XXIII. Acquittances to be given.

VII. *ſect.* 7. In caſe any perſon who is hereby charged to pay any monies as aforeſaid, ſhall refuſe or neglect to pay the ſame, ſuch ſheriffs and other perſons, as ſhall be by them authorized to collect the ſame, ſhall levy the ſame by diſtreſs and ſale of the goods of the perſons ſo refuſing or neglecting, rendering unto the ſaid perſons the overplus, &c. To be levied by diſtreſs.

(2) And the ſaid ſheriff ſhall within two months after the ſaid ſum ſhall be payable by virtue of this act, make payment of all the monies levied into his Majeſty's exchequer, with a liſt of ſuch perſons as ſhall make default of payment where no diſtreſs can be found, every ſheriff deducting twelve pence out of every twenty ſhillings of the payments that he ſhall ſo make, and ſo after that rate, whereof nine pence to be for the ſheriff's own uſe, and three pence to be paid by the ſheriff to the clerk of the peace for his pains, to be recovered by the ſaid clerk of the peace by action of debt. Fees for collecting.

(3) And his Majeſty's officers in his ſaid court of exchequer ſhall diſcharge all ſuch perſons who paid their reſpective ſums charged on them without taking any fees for the ſame, and ſhall alſo iſſue out proceſs to levy the ſaid duties upon any goods or lands of the perſons charged whereſoever the ſame ſhall be found, in caſe no diſtreſs can be found to be taken according to this act in the places where the ſaid duty was firſt charged. Diſcharge and proceſs.

VIII. *ſect.* 8. The revenue ariſing by virtue of this act, except what is by this act particularly otherwiſe diſpoſed of, ſhall be duly paid into his Majeſty's court of exchequer, and not be particularly chargeable with any grants or penſions, and every grant of any penſions, and every clauſe of *non obſtante* therein contained, ſhall be void, and the perſons to whom ſuch grants ſhall be paſſed, ſhall be accomptants unto his Majeſty, and ſhall pay back all money received by pretence of ſuch grant, and the court of exchequer is hereby enjoined to iſſue out proceſs accordingly. No grants of this revenue.

IX. *ſect.* 9. If any action, &c. ſhall be proſecuted againſt any perſons for what they ſhall do in purſuance of this act, ſuch perſons may plead the general iſſue, &c. and if the plaintiff ſhall become non-ſuit, or ſuffer diſ- General iſſue

continuance, or if a verdict paſs againſt him, or if upon demurrer judgment paſs againſt him, the defendant ſhall recover treble coſts.

Decreaſe of hearths.

X. *ſect.* 10. Where any increaſe or decreaſe of ſuch hearths, &c. ſhall hereafter happen, &c. an account in writing of the ſame ſhall be made in like manner as the ſame is directed to be firſt taken, returned and enrolled by this act, and a duplicate thereof ſent into the exchequer, as is before directed, and from thenceforth the owner or occupier of ſuch houſe where ſuch decreaſe is, ſhall be diſcharged proportionably without any further pleading in the exchequer.

Suit in two years.

XI. *ſect.* 11. Provided that no perſon ſhall be charged or brought to account for the arrears of any duty or arrearages of revenue raiſed by this act, unleſs the ſuit ſhall commence within two years after the ſame ſhall grow due.

Poor perſons.

XII. *ſect.* 12. No perſon who lives upon alms, and is not able to get his or her living by his or her work, ſhall be chargeable with the duties by this act impoſed.

Double value of grants forfeited.

XIII. *ſect.* 14. If any perſons, bodies politic or corporate, ſhall procure or accept of from the King, his heirs or ſucceſſors, any penſion or grant, or any money out of the revenue ariſing by this act, ſuch perſon or bodies politic or corporate procuring or accepting the ſame, ſhall forfeit double the value of ſuch penſion, gift, or grant, the one moiety of which forfeiture ſhall be to the uſe of the pariſhes where the ſaid offenders inhabit, to be recovered by the church-wardens, the other moiety to him that will ſue for the ſame.

Private ovens, &c.

XIV. *ſect.* 18. This act ſhall not extend to charge any private oven or kiln within any of the houſes hereby charged, or any hearth or ſtove within the ſite of any college, hoſpital, or alms-houſe.

Charge on occupiers.

XV. *ſect.* 19. The payments and duties hereby charged, ſhall be charged only on the occupier for the time being, dwelling in ſuch houſe whereto ſuch hearth or ſtove ſhall be belonging, his executors or adminiſtrators, and not on the landlord.

Privilege of ſuit.

XVI. *ſect.* 20. No perſons indebted for any of the duties aforeſaid, ſhall thereby be privileged as debtors to his Majeſty, to ſue in the court of exchequer, or to aſſign any debt to his Majeſty towards ſatisfaction of the ſame.

Examination of returns.

XVII. *Stat.* 17 & 18 *Car.* 2. *cap.* 18. *ſect.* 1. Whereſoever any returns of any hearths, firing places, or ſtoves, ſhall in purſuance of the former act, or this preſent act, be made to any juſtices of the peace, or ſuch other perſons as ſhall be appointed to receive the ſame, the ſaid juſtices of the peace, or other perſons to whom ſuch returns ſhall be made, or any one of them, ſhall be authorized to examine the perſons making ſuch returns upon oath, concerning the truth of their acting in making ſuch returns.

Omitting hearths.

XVIII. *ſect.* 2. If any owner or occupier of any houſes as by the aforeſaid act is required, ſhall omit in his account, required to be made by the aforeſaid act, any hearth, firing place, or ſtove, he ſhall for every ſuch hearth, &c. he ſhall ſo omit, forfeit four ſhillings.

Penalty for defaults.

(2) And in caſe any conſtable or other perſon, that in purſuance of the aforeſaid act, ſhall be appointed to join with and aſſiſt the conſtable in taking an account of the ſeveral hearths, &c. ſhall make default in giving ſuch notice to the owners and occupiers of every houſe, as by the ſaid former, or this

this preſent act, is required; or to deliver ſuch accounts in writing, as they ſhall receive, reform, or take by their own view, unto the juſtices of the peace in their reſpective quarter-ſeſſions, or ſuch perſons as ſhall be appointed to receive the ſame, as by the ſaid former, or this preſent act, is required; every ſuch conſtable and aſſiſtant to him making ſuch default, ſhall forfeit for every offence forty ſhillings, the ſaid forfeitures and penalties to be recovered by action, &c. in any of his Majeſty's courts of record, the one half to the uſe of his Majeſty, and the other half to them that ſhall ſue for the ſame.

Allowances to clerks, &c.

XIX. *ſect.* 3. It ſhall be lawful for the chancellor, treaſurer, vice-treaſurer, and barons of his Majeſty's court of exchequer, or any three of them, to give and make ſuch further allowance unto the clerks of the peace or other perſon to be appointed for that ſervice, for their pains in writing, engroſſing, and returning into his Majeſty's court of exchequer, the duplicates and returns of the ſeveral conſtables in parchment, beſides what is allowed by the aforeſaid act, as they ſhall think meet, the ſaid further allowance not exceeding three pence in the pound.

Appointing collectors.

XX. *ſect.* 4. It ſhall be lawful for the lord lieutenant or other chief governors of this kingdom and council, to appoint ſuch perſons as they ſhall think meet, to be the officers for collecting and anſwering the duty ariſing by hearths, &c. and for viewing and numbering them, and for the inſpecting and examining the ſeveral rolls, certificates, and returns thereof made into his Majeſty's court of exchequer in purſuance of the ſaid act, or any other thing belonging to the ſame.

Power of officers.

(2) Which officers ſhall have power to examine and ſuperviſe the rolls and number of hearths that ſhall be returned into the exchequer, and to take copies or abſtracts of the rolls ſo returned, without paying any fee for the ſame, and being accompanied with the conſtable or proper officer of the place, who are hereby required to attend and aſſiſt upon this occaſion, and in places where there are no conſtables or other public officers, or where ſuch conſtables or public officers ſhall refuſe ſo to attend and aſſiſt there, without any ſuch aſſiſtance, to enter in the day-time into any dwelling or other houſe, and to ſearch and examine whether there be any more hearths, &c. in the ſame than were formerly returned or certified.

Variance to be certified.

(3) And if they ſhall find any variance in the number returned, both the officers appointed by the lord lieutenant, or other chief governors and council, and the conſtable or other officer as aforeſaid, if any ſuch ſhall attend and aſſiſt, ſhall upon all occaſions certify the ſame under their hands to the clerk of the peace, or ſuch perſons as in his ſtead ſhall be appointed to receive the ſame; which certificate they are hereby enjoined to make, and at the ſame time return a duplicate thereof unto his Majeſty's remembrancer in the exchequer, and the officers ſo appointed ſhall from ſuch their appointment, have power to collect and levy the revenue and duties, and all arrears that ſhall hereafter grow due for the ſame.

Payment on demand.

XXI. *ſect.* 5. After ſuch appointment of ſuch officers in any county to collect the ſaid duty, and notice thereof being given to the ſheriffs of the county, the ſaid duties ſhall be paid to ſuch officer as ſhall be ſo appointed to receive the ſame, upon demand thereof by ſuch officer or his deputy, at the houſe, chamber, or place where the duty ſhall ariſe or grow due.

(2) And

To be levied by diſtreſs.

(2) And in caſe of refuſal or default of payment after ſuch demand, the ſaid officer or his deputy may at any time, with the aſſiſtance of a conſtable or other officer as aforeſaid, in the day-time levy the ſaid duty and all the arrearages thereof, by diſtreſs and ſale of the goods of the parties ſo refuſing or making default, reſtoring to the parties the overplus of the value of ſuch goods, over and above the duty and arrearages thereof then behind, and the neceſſary charges of taking ſuch diſtreſs, which charges ſhall in no caſe exceed the fourth part of the duty and arrearages thereof ſo levied.

Conſtables refuſing.

(3) And in caſe the ſaid conſtable or other officer ſhall refuſe or neglect to give his aſſiſtance in manner as before named, ſuch conſtable or other officer, for every ſuch refuſal or neglect ſhall forfeit forty ſhillings, to be recovered by action of debt, &c. in any of his Majeſty's courts of record, the one moiety to the uſe of his Majeſty, and the other moiety to them that ſhall ſue for the ſame.

Arrears of duty.

XXII. *ſect.* 6. Provided that no owners, proprietors, or occupiers of the ſaid hearths, &c. ſhall be charged, diſtrained, or moleſted for the ſaid duty, or any arrearages after two years after the duty ſhall become due, nor for any arrears of the ſaid duty which ſhall not appear upon record in his Majeſty's exchequer.

Sheriffs diſcharged.

(2) And after the appointment of ſuch officers in any county, and notice thereof given to the ſheriff, all officers formerly appointed to collect the ſaid duty, ſhall be diſcharged from the future collecting the ſame, or demanding any fees or allowances by reaſon thereof, otherwiſe than as they are directed by this act; and the officers that ſhall be ſo appointed to collect this duty, ſhall pay the ſame into his Majeſty's exchequer, to the ends in the ſaid former acts mentioned, by the end of Hilary term yearly, or within thirty days after.

Security to be given.

XXIII. *ſect.* 7. No perſons ſhall be employed as aforeſaid, unleſs they ſhall firſt give in ſufficient ſecurity to his Majeſty, before one of the barons of the exchequer, for the due collecting and paying in the ſaid revenue, or part thereof, as ſhall be committed to their reſpective truſts, and ſhall likewiſe take a corporal oath before one of the barons of the exchequer, or before ſuch perſons as ſhall be authorized to take ſuch ſecurity and oath by commiſſion from the ſaid court of exchequer, for the due and faithful execution thereof, according to the laws enacted to that purpoſe, and that they ſhall not exact

Exacting fees.

or demand any fee for the execution thereof, from any perſon but only from the King, under pain of being diſabled to execute the ſaid office, and upon legal conviction for any ſuch crime, to render treble damages to the party grieved, and ſhall ſign and deliver acquittances for monies by them received without any fee; and every ſuch acquittance ſhall be a final diſcharge as in the aforeſaid act is provided.

Concealing hearths.

XXIV. *ſect.* 8. If any perſon ſhall fraudulently ſtop up, deface, cover, or conceal any hearth, &c. chargeable by the ſaid act, or this preſent act, and the ſame be proved either by confeſſion of the party, or upon oath before one juſtice of the peace or chief magiſtrate, or ſuch perſons as ſhall be authorized therefore, or by their view, he ſhall for ſuch offence pay double the value of the duty for the ſame, to be levied as aforeſaid.

Differences to be determined.

(2) And if any queſtion or difference ſhall ariſe about the taking of any diſtreſs, or levying any money by virtue of this or the former act, the ſame ſhall be heard and finally determined by one or more juſtices of the peace near adjoining,

adjoining, or chief magiſtrate of the place reſpectively, upon complaint in that behalf.

(3) And the juſtices of the peace and chief magiſtrates, and other his Majeſty's officers within their ſeveral limits and juriſdictions, are required to give aſſiſtance to ſuch officers as ſhall be ſo appointed for the collecting of the ſaid duty, according to the ſaid former and this preſent act. Juſtices to aſſiſt the collectors.

XXV. *ſect.* 9. All ſuch officers as ſhall be appointed in manner above mentioned, for the collecting of the money to grow due to his Majeſty in reſpect of the ſaid duty ariſing upon hearths, &c. ſhall pay unto the reſpective clerks of the peace, or to ſuch other perſons as in their ſtead ſhall be appointed for that ſervice, all ſuch allowances as are by the former act given and allowed unto them; and ſhall in purſuance of this act be given or allowed unto them. Allowances to be paid.

(2) Provided that until ſuch time as the lord lieutenant, or other chief governors and council, ſhall appoint ſuch officers to act as is above mentioned, that every perſon by the former act appointed to perform any thing relating unto the levying or paying in of the ſaid duty upon hearths, &c. ſhall continue to act according to the powers by the former act, and this preſent act, appointed. Proviſo.

XXVI. *ſect.* 10. It ſhall be lawful for the lord lieutenant or other chief governors and council to appoint ſuch perſons as they ſhall think fit, to execute all things which by the ſaid former act, or this preſent are to be executed or performed by any juſtices of the peace, or clerks of the peace of this kingdom, and after ſuch appointment, all other perſons ſhall be diſcharged from doing any matter relating unto the premiſſes. Appointment of officers.

XXVII. *ſect.* 11. And whereas there is one clauſe in the ſaid former act, *that in caſe any two juſtices of the peace ſhall, in writing under their hands yearly, certify their belief, that the houſe wherein any perſon doth inhabit within ſuch county wherein they are juſtices, is not of greater value than eight ſhillings* per annum *upon the full improved rent, and that neither the perſon inhabiting, nor any other uſing the ſame meſſuage, hath or occupieth any lands of the value of eight ſhillings* per annum, *nor hath any lands, goods, or chattels of the value of four pounds in their own poſſeſſion, or in the poſſeſſion of any other in truſt for them, upon ſuch certificates made to the juſtices of ſuch county at their quarter-ſeſſions and allowance by them, for which certificate and allowance no fee ſhall be paid, the perſon on whoſe behalf ſuch certificate is made ſhall not be returned by the conſtable or other perſons to be aſſiſtant to them, and the ſaid houſe is for that year diſcharged of all duties by this act impoſed*; the ſaid clauſe ſhall be conſtrued to extend only to ſuch widows as ſhall produce ſuch certificates as are therein mentioned, and as to all other perſons whatſoever the ſaid clauſe is hereby repealed. Recital of a former clauſe, certificate for widows.

XXVIII. *ſect.* 12. No houſes within the precinct of any cathedral or collegiate church, ſhall by the aforeſaid act be diſcharged of the duties thereby, or by this preſent act payable to his Majeſty. Cathedrals, &c.

XXIX. *ſect.* 13. Whereas by the ſaid former act, private ovens and kilns are not to be charged with any duty to his Majeſty as other hearths, firing places, and ſtoves, all ovens in bakers houſes, and in taverns, inns, and victualling houſes, as alſo all kilns wherein malt or other grain ſhall be dryed to be ſold, ſhall be deemed to be public ovens and kilns, and ſhall be charged accordingly, and all other ovens and kilns ſhall be accounted and taken as private ovens and kilns, and ſhall not be charged with any duty to his Majeſty for the ſame. Public ovens and kilns.

XXX *ſect.*

Time of payment.

XXX. *ſect.* 14. The ſaid duty by the aforeſaid and this preſent act made payable to his Majeſty, ſhall be payable yearly on the tenth day of January at one entire payment.

Returns of hearths.

(2) And all returns to be made by any owners or occupiers of houſes, of any hearths, firing places, and ſtoves, ſhall be made and delivered in to the conſtable or other officer in every pariſh, ſome time before the tenth day of November yearly, and to that end the ſeveral conſtables and aſſiſtants to them, are required to give notice to the ſeveral owners and occupiers of houſes, by the third day of November to deliver in ſuch accounts of their hearths, firing places, and ſtoves, as by the ſaid former act, or this preſent act directed.

Double duty.

XXXI. *ſect.* 15. Whereas fires are often made in ſuch dwelling houſes as have no fixed hearth with chimnies over them, which may occaſion uncertainties in the returns to be made of hearths and firing places, wherein any omiſſion is penal by this act, all ſuch houſes ſhall be deemed to have two hearths, and be chargeable with payment of the duty accordingly, until ſuch time as there ſhall be one fixed hearth with a chimney place over the ſame in every dwelling houſe.

Collectors of hearth-money,

XXXII. *Stat.* 3 *Geo.* 3. *cap.* 21. *ſect.* 18. *Whereas it hath been queſtioned, whether the appointment of officers for the receiving or collecting the duties ariſing from hearths, firing places, and ſtoves, by the commiſſioners of the revenue, in purſuance of their letters patents or commiſſions be ſtrictly legal; for taking away all doubts concerning the ſame,* all the commiſſions or appointments

appointments by commiſſioners of revenue,

which have heretofore been executed under the hands and ſeals of the commiſſioners of his Majeſty's revenue, or any three of them, or which ſhall be executed by them, or any three of them, during the continuance of their preſent commiſſion, conſtituting and appointing the ſeveral and reſpective perſons named or mentioned in ſuch commiſſions or appointments, the officers or collectors of the duty ariſing from hearths, firing places and ſtoves, are hereby

declared to be legal.

declared to be firm, valid, and effectual.

Commiſſion under the great ſeal,

XXXIII. *ſect.* 19. It ſhall be lawful for his Majeſty, his heirs and ſucceſſors, by commiſſion under the great ſeal of this kingdom, to authorize and empower the commiſſioners of cuſtoms and exciſe, or any three of them, to appoint ſuch perſons as they ſhall think fitting, to be the officers or collectors for receiving and collecting the duty ariſing by or from hearths, firing places, and ſtoves; which ſaid officers and collectors ſo to be appointed, ſhall

collectors of hearth money,

have all ſuch powers and authorities, as if they had been ſeverally appointed, according to the directions of the act of the ſeventeenth and eighteenth years of the reign of King Charles the ſecond; provided that in caſe his Majeſty ſhall not think fit to authorize and empower the commiſſioners of cuſtoms and

appointed as before this act.

exciſe, or any three of them, to conſtitute and appoint ſuch officers and collectors as aforeſaid, that in ſuch caſe, all ſuch officers and collectors as aforeſaid, ſhall be appointed by ſuch perſons, and in ſuch manner, as if this act had never been made.

Hereſy.

Matters of religion.

I. *Stat.* 2 *Eliz. cap.* 1. *ſect.* 24. No order, act, or determination for any matter, of religion or cauſe eccleſiaſtical made by the authority of this Parliament,

liament, ſhall be adjudged hereafter to be any errour, hereſy, ſchiſm or ſchiſmatical opinion.

Reſtraint of ſpiritual juriſdiction.

II. *ſect.* 25. Such perſons to whom the Queen, her heirs or ſucceſſors, ſhall by letters patent under the great ſeal of England, or of this realm, or the lord deputy or other governors of this realm, by letters patents to be made by their warrant under the great ſeal of this realm, give authority to execute juriſdiction or authority ſpiritual, or to viſit, reform, or correct errors, hereſies, ſchiſms, abuſes, or enormities by virtue of this act, ſhall not determine or adjudge any matter to be hereſy, but ſuch only as heretofore hath been determined or adjudged to be hereſy by the authority of the canonical ſcriptures, or by the firſt four general councils, or any of them, or by any other general council, wherein the ſame was declared hereſy by the expreſs and plain words of the ſaid canonical ſcriptures, or ſuch as ſhall be judged or determined to be hereſy by the parliament of this realm. *Eng. Stat.* 1 *Eliz. cap.* 1.

For the proving of this offence, ſee King, Queen, &c.

Writ aboliſhed.

III. *Stat.* 7 *Will.* 3. *cap.* 2. *ſect.* 1. The writ *de heretico comburendo* with all proceſs thereupon, and all puniſhment by death in purſuance of eccleſiaſtical cenſures ſhall be aboliſhed.

Eccleſiaſtical cenſures.

IV. *ſect.* 2. Provided that nothing in this act ſhall extend to abridge the juriſdiction of proteſtant archbiſhops or biſhops, or any other judges of eccleſiaſtical courts, in caſes of atheiſm, blaſphemy, hereſy, or ſchiſm, or other damnable doctrines and opinions; but that they may proceed to puniſh the ſame according to his Majeſty's eccleſiaſtical laws, by excommunication, deprivation, degradation, and other eccleſiaſtical cenſures not extending to death. *Eng. Stat.* 29 *Car.* 2. *cap.* 9.

Heriots.

Penalty for diſtraining.

I. *Stat.* 10 & 11 *Car.* 1. *cap.* 18. *ſect.* 1. If any perſons ſhall diſtrain cattel or other goods upon pretence of a heriot, whereas by the laws of this realm no heriot is due, ſuch perſons ſhall forfeit forty ſhillings for each time, and reſtore unto the party grieved the cattel or other goods ſo taken, and render him treble damages, in any ſuit to be brought by him in any of his Majeſty's courts; the one moiety of the ſaid forfeiture to be to the party grieved, or ſuch other as will ſue for the ſame, and the other moiety to his Majeſty, wherein no eſſoign, &c. ſhall be allowed.

Saving to leſſors, &c.

II. *ſect.* 2. Provided that this act do not extend to perſons in caſe where a heriot is agreed upon betwixt leſſor or leſſee, and ſpecially reſerved by writing, neither do extend to very lord and very tenant, where a heriot ſervice, or a heriot cuſtom hath heretofore been accuſtomably paid or due by law.

Hides and Skins.

Places for ſale.

I. *Stat.* 8 *Geo.* 1. *cap.* 7. *ſect.* 11. In the city of Dublin the lord mayor, and in the liberties thereto adjoining the ſeneſchals, are required within their reſpective juriſdictions, to provide ſome clean public place for expoſing all green hides or calve-ſkins to ſale; and no ſuch hides or calve-ſkins ſhall be ſold

or expoſed to ſale after ſuch place ſhall be ſo appointed, but at ſuch public places.

Sale by weight. (2) And ſuch hides ſhall not be ſold by hand, but by weight, upon pain of forfeiting as well by the buyer as ſeller for every ſuch offence ten ſhillings, to be recovered and applied in ſuch manner as herein after is directed.

Weigh-maſters II. *ſect.* 12. A ſworn weigh-maſter ſhall be appointed and employed by the ſaid lord mayor and ſeneſchals reſpectively, to attend by himſelf or deputy in every ſuch public place to be appointed for weighing of green hides, who ſhall weigh the ſame and keep due entries thereof, expreſſing the buyers and ſellers names, and ſhall on weighing the ſame give an allowance to the buyers of four pounds weight for tare on every ſuch hide, and ſuch further allowance for dirt and ſculls or blood appearing on ſuch hides, as to him ſhall ſeem reaſonable.

Diſputes determined. (2) And in caſe any diſputes ſhall happen to ariſe on ſuch allowance, or in caſe the weigh-maſter or deputy ſhall refuſe to give any allowance where the ſame is really due, ſuch diſputes ſhall be determined by the ſaid lord mayor and ſeneſchals, or their deputies reſpectively, which determination ſhall be final to each party.

Scales, weights, &c. (3) Which weigh-maſter ſo to be appointed, ſhall provide ſcales and proper weights, and ſhall cauſe ſheds at his own expence to be built in ſuch places, and hooks to be placed therein, and clean floors to be made, to the intent that any damage done to ſuch hides or dirt thereon may appear to public view.

Security to be given and oath. III. *ſect.* 13. Such weigh-maſter or deputy, before they enter upon ſuch office, ſhall give ſufficient ſecurity for the faithful diſcharge of his office, and take ſuch oath *mutatis mutandis*, and ſhall be under the ſame penalties and forfeitures for neglect of his duty or miſbehaviour, as the weigh-maſters appointed for the weighing of butter and tallow are made liable to, and which ſhall be recovered and applied in like manner.

The oath required to be taken by weigh-maſters, and the penalties they are ſubject to for neglect of duty, &c. ſee under Tit. **Butter and Tallow.** *The part of this ſtatute relative thereto is expired, but it is re-enacted by Stat.* 10 *Geo.* 1. *cap.* 9. *ſect.* 6 & 13.

Fees for weighing. IV. *ſect.* 14. Such weigh-maſters keeping ſuch public places with ſuch conveniencies as aforeſaid, ſhall be paid for each green hide he ſhall weigh, one farthing, to be paid by the ſeller; and in caſe ſuch ſeller ſhall refuſe to pay the ſame, it ſhall be lawful for ſuch weigh-maſter to detain ſuch green hide ſo weighed, until payment ſhall be made to him.

Salted hides. V. *ſect.* 15. Every perſon ſalting hides for ſale, ſhall lay the ſame fleſh to fleſh, under penalty of forfeiting ten ſhillings for each hide that ſhall be otherwiſe laid, by the perſons in whoſe cuſtody the ſame ſhall be found to be otherwiſe laid, to be recovered and applied as herein after is mentioned.

Weigh-maſters appointed. VI. *ſect.* 16. In the city of Dublin and liberties thereto adjoining, and in other cities and towns corporate, a ſworn weigh-maſter ſhall in like manner be appointed and employed, and with like oath *mutatis mutandis* as aforeſaid, by the chief magiſtrate or ſeneſchal in ſuch cities, towns corporate, and liberties reſpectively, for weighing all ſalted hides, who are required to weigh the ſame; which weigh-maſter ſhall be under the ſame penalties and forfeitures for neglect of his duty or miſbehaviour, as the weigh-maſters appointed for the weighing

of

of butter and tallow are liable to, and which ſhall be recovered and applied in like manner.

(2) And in caſe any perſons ſhall ſell within ſuch cities and towns corporate, or liberties aforeſaid, any hides ſalted and made up for ſale, the ſame ſhall be weighed by ſuch weigh-maſter at his weigh-houſe to the perſon buying ſuch hides. Selling ſalted hides.

(3) Which weigh-maſter if required by the buyer at his expence, ſhall have liberty to open the ſaid hides, and is required on requeſt of the buyer ſo to do, and in caſe any dirt or wet ſhall be found on ſuch hides, ſuch weigh-maſters or their deputies ſhall make ſuch allowance as to them ſhall ſeem reaſonable, which the ſeller ſhall be obliged to allow. Allowance for dirt, &c.

(4) And in caſe any diſpute ſhall ariſe on ſuch allowance, the ſame ſhall be determined by the chief magiſtrate in each city or town corporate, and in the aforeſaid liberties by the reſpective ſeneſchals or their deputies, which determination ſhall be concluſive to each party. Diſputes adjuſted.

(5) Which weigh-maſter ſhall have one farthing for every hide to be weighed by him, till ſatisfaction whereof ſuch weigh-maſter may detain ſuch hides; and in caſe any perſons ſhall ſell or buy any hides ſalted, which ſhall not be weighed by ſuch weigh-maſter or his deputy, ſuch perſons ſo offending ſhall reſpectively forfeit ten ſhillings for each hide, to be recovered and applied as herein after directed. Fees for weighing.

VII. *ſect.* 17. In caſe any hides or calf-ſkins ſhall be impaired by gaſhing, ſlawtering, or cutting the ſame, not only the perſons ſo offending, but likewiſe the perſons who ſhall expoſe to ſale ſuch hides or calf-ſkins, ſhall forfeit for each hide ſo impaired a ſum not exceeding ten ſhillings, and for each calf-ſkin a ſum not exceeding two ſhillings and ſix pence, which forfeitures ſhall be recovered and applied as is herein after mentioned. Penalties for gaſhing, &c.

As to the method of recovering and applying the penalties inflicted by this act, ſee Tit. **Beef and Pork.**

This act is continued by Stat. 10 *Geo.* 1. *cap.* 9. *during the continuance of this laſt act, and both acts are continued by Stat.* 5 *Geo.* 3. *cap.* 15. *until the* 29*th of September* 1791, *and to the end of the then next ſeſſion of parliament, with the amendments and alterations made by this laſt ſtatute, which relate to other heads.*

VIII. *Stat.* 10 *Geo.* 1. *cap.* 9. *ſect.* 21. All the clauſes in the act, &c. 8 *Geo.* 1. *cap.* 7. as far as the ſame relate to the dreſſing, ſalting, making up, weighing, and ſelling of hides in the city of Dublin, and in the liberties of Saint Sepulchre's, Thomas-court and Donore, and to the dreſſing of calf-ſkins in the ſaid city and liberties, ſhall continue during the continuance of this preſent act, and no longer. Continuation.

IX. *ſect.* 22. Provided that every weigh-maſter in the city of Dublin, and in the liberties of Saint Sepulchre's, Thomas-court and Donore, may take one half-penny and no more for viewing and weighing of every hide. Fees to weigh-maſters.

This act is continued until the 29*th of September* 1791, *by Stat.* 5 *Geo.* 3. *cap.* 15. *with the reſtrictions before mentioned, at the end of the preceding act.*

X. *Stat.* 12 *Geo.* 1. *cap.* 5. *ſect.* 9. In caſe any weigh-maſters, their deputies or other perſon in truſt for them, ſhall buy, ſell, contract or treat for, any green or ſalt hides in any city or town corporate, or place of export, where Weigh-maſters buying hides.

ſuch weigh-maſters or their deputies are appointed, before ſuch hides are legally weighed, diſcharged, and carried off from ſuch weigh-houſe, they ſhall, being thereof lawfully convicted before the chief magiſtrate of the place, or the next juſtice of the peace, forfeit for every ſuch offence the goods ſo bought or ſold by them, to be recovered and diſtributed *as by the firſt clauſe of this act is directed.* *See Tit.* **Butter and Tallow.**

No replevin for ſeizures.

XI. *ſect.* 11. Whenever any ſalt hides are ſeized, or brought for trial before the magiſtrate or juſtice of the peace or ſeneſchal, or are adjudged and condemned by them, or whenever any diſtreſs is or ſhall be taken purſuant to this or former acts of parliament, no replevin ſhall lie, but the judgment of the magiſtrate or juſtice ſhall be concluſive.

General iſſue.

XII. *ſect.* 12. Perſons ſued for putting in execution any of the powers contained in this act, may plead the general iſſue, &c. and if the plaintiffs ſhall be non-ſuited, or judgment be given againſt them by default or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts.

This act, with the alterations and amendments therein made by the ſubſequent acts, is continued by Stat. 5 Geo. 3. cap. 15. until the 29th of September, 1791, and to the end of the then next ſeſſion of parliament.

Entries to be made in books.

XIII. *Stat.* 13 *Geo.* 2. *cap.* 12. *ſect.* 9. Every weigh-maſter appointed for weighing of green hides in the city of Dublin and liberties thereunto adjoining, or his deputy, ſhall keep proper entries in books of the weight of all green hides by them weighed, expreſſing the day on which they were weighed, the buyers and ſellers names, the number of hides weighed in each draught, the groſs weight of each draught, and the allowance made on each draught, and ſhall give a copy of ſuch entry ſigned with his name unto the buyer of ſuch hides upon his requeſt, under the penalty of ten thillings for every omiſſion, and no perſon, whether buyer or ſeller, ſhall make or accept of any other allowance than what is made by the weigh-maſter as aforeſaid, under the penalty of ten ſhillings for every offence.

Objections to allowances.

(2) And if either buyer or ſeller of green hides object againſt the allowance made by the weigh-maſter or his deputy, it may be lawful for the weigh-maſter or his deputy if required, to cauſe the hides to be waſhed, cleaned and drained; and in caſe it appeared upon ſuch examination, that the party objecting to the allowance offered to be made by ſuch weigh-maſter, for the dirt, ſculls, rumps, ſinews, and other filth, had not a juſt cauſe for ſuch objection, the parties ſo objecting ſhall pay to the weigh-maſter three pence for each hide ſo waſhed and cleaned.

Hides impaired by gaſhing, &c.

(3) And where any green hides or calve-ſkins are diſcovered by the weigh-maſters, to be impaired by gaſhing, flawtering, or cutting, it ſhall be lawful for the weigh-maſter to detain the hides or calves-ſkins ſo impaired, until the penalties for which the perſons expoſing the ſame to ſale are liable to, be levied, and the ſaid penalties ſhall be levied out of the goods of the offenders, by warrant under the hand and ſeal of the lord mayor of Dublin within the ſaid city of Dublin and liberties, and of the ſeneſchals within the reſpective liberties thereto adjoining, which ſaid lord mayor and ſeneſchals reſpectively are to inquire into ſuch offences, and to determine the ſame, upon the oath of one ſufficient witneſs, and the penalties ſo levied ſhall be diſtributed, one

moiety

moiety to the poor of the parish, and the other moiety to the person informing.

This act, with the alterations and amendments contained in Stat. 21 Geo. 2. cap. 7. is continued thereby until the 29th of September, 1769, and to the end of the then next session of parliament.

Weigh-masters in Cork.

XIV. *Stat.* 21 *Geo.* 2. *cap.* 7. *sect.* 18. The weigh-masters appointed by this act are required to provide some clean public place within the said city of Cork, or suburbs thereof, for exposing all green hides or calves-skins to sale, and no hides or calves-skins shall be sold or exposed to sale after such place shall be appointed, but at such public place, and such hides shall not be sold by hand, but by weight, upon pain of forfeiting as well by buyer as seller, for every hide bought or sold contrary to this act, ten shillings, to be recovered and applied in such manner, and to such uses as before directed by this act. *See Tit.* **Butter and Tallow.**

Appointment of weigh-masters.

XV. *sect.* 19. John Colthurst, William Fuller, and Joseph Hoare, and the survivors and survivor of them, are hereby appointed weigh-masters to attend by themselves or their deputies, in every such public place to be appointed for weighing of such green hides, who shall weigh the same, and keep due entries thereof, expressing the buyers and sellers names, and shall on weighing the same give an allowance to the buyers of four pounds weight for tare on every hide, and such further allowance for dirt and skulls or blood appearing on such hides as to them shall seem reasonable.

Disputes on allowances.

(2) And in case any dispute shall happen to arise on such allowance, or in case the said weigh-masters, &c. shall refuse to give any allowance where the same is due, such disputes shall be determined by the mayor of Cork, which determination shall be final to each party; which said weigh-masters, &c. shall provide scales and proper weights, and shall cause sheds at their own expence to be built in such places, and hooks to be placed therein, and clean floors to be made, to the intent that any damage done to such hides, or dirt thereon, may appear to publick view.

Oath to be taken.

XVI. *sect.* 20. The said weigh-masters and their deputies, before they respectively enter upon such office, shall take such oath *mutatis mutandis* as the said weigh-masters are directed to take for the faithful execution of their office of weigh-masters for *butter and tallow*, before they enter upon such office, and shall be under the same penalties and forfeitures for misbehaviour in weighing such hides, as they are liable to for misbehaviour in weighing of butter and tallow, which shall be recovered and applied in like manner. *See Tit.* **Butter and Tallow.**

Fees for weighing.

XVII. *sect.* 21. The said weigh-masters, &c. keeping such publick places with such conveniencies as aforesaid, shall be allowed for each green hide they shall weigh one halfpenny, to be paid by the seller; and in case such seller shall refuse to pay the same, it shall be lawful for the said weigh-masters, &c. to detain such green hides until payment thereof.

Salted hides.

XVIII. *sect.* 22. Persons salting hides for sale, shall lay the same flesh to flesh, under penalty of forfeiting ten shillings for each hide that shall be otherwise laid, by the persons in whose custody the same shall be found to be otherwise laid, to be recovered and applied in manner before mentioned.

Selling without weighing.

XIX. *sect.* 23. The said weigh-masters, &c. are appointed to weigh all salted hides within the city of Cork and liberties thereof; and in case any persons shall sell within the said city or liberties any hides salted and made up

for

for ſale, the ſame ſhall be weighed by the ſaid weigh-maſters, &c. or their deputies, to the perſon buying ſuch hides.

Allowance for dirt, &c.

(2) Which weigh-maſters, &c. if required by the buyer, at his expence, ſhall open the ſaid hides, and in caſe any dirt or wet ſhall be found on ſuch hides, the ſaid weigh-maſters, &c. ſhall make ſuch allowance for ſuch dirt or wet, as to them ſhall ſeem reaſonable, which the ſeller ſhall be obliged to allow.

Diſputes on allowances.

(3) And in caſe any diſpute ſhall happen to ariſe on ſuch allowance, the ſame ſhall be determined by the mayor of the ſaid city of Cork, which determination ſhall be concluſive to each party.

Fees for weighing.

(4) The ſaid weigh-maſters, &c. ſhall have one halfpenny for every hide ſo to be weighed by them, and until ſatisfaction thereof may detain ſuch hides; and in caſe any perſons ſhall ſell or buy any hides ſalted, which ſhall not be weighed by ſuch weigh-maſters or their deputy as aforeſaid, ſuch perſons ſo offending ſhall forfeit ten ſhillings for each hide, to be recovered and applied in manner and to the uſes before directed.

No replevin.

XX. *ſect.* 24. Whenever any ſalt or green hides are ſeized or brought for trial before the mayor of the ſaid city of Cork, or are condemned by him, or whenever any diſtreſs ſhall be taken purſuant to this or the former acts, no replevin ſhall lie, but the judgment of the ſaid mayor ſhall be final and concluſive.

General iſſue.

XXI. *ſect.* 25. Perſons ſued for putting into execution any of the powers contained in this act, may plead the general iſſue, &c. and if the plaintiffs ſhall be non-ſuited, or judgment be given againſt them by default or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts, &c.

Entries to be made.

XXII. *ſect.* 26. The ſaid weigh-maſters or their deputy, ſhall keep proper entries in books of the weight of all green hides by them weighed, expreſſing the day on which they were weighed, the buyers and ſellers names, the number of hides weighed in each draft, and the allowance made on each draft, and ſhall give a copy of ſuch an entry, ſigned with their names who weighed the ſame, unto the buyer of ſuch hides, upon his requeſt, under the penalty of ten ſhillings for every omiſſion; and no perſon, whether buyer or ſeller of green hides, ſhall make or accept of any other allowance than what is made by the weigh-maſters, &c. who weighed the ſame, under the penalty of ten ſhillings for every offence.

Objections to allowances.

(2) And if either buyer or ſeller of green hides object againſt the allowance made by the weigh-maſters or their deputy who weighed the ſame, it may be lawful for ſuch weigh-maſters, &c. if required, to cauſe the hides to be waſhed, cleaned and drained; and in caſe it appears upon ſuch examination, that the party objecting to the allowance offered to be made by ſuch weigh-maſters or their deputy, for the dirt, ſkulls, rumps, ſinews, and other filth therein contained, had not a juſt cauſe for ſuch objection, the party ſo objecting ſhall pay to ſuch weigh-maſters, &c. three pence for each hide ſo waſhed and cleaned.

Detaining perſons and goods.

XXIII. *ſect.* 27. It ſhall be lawful to ſeize and detain all perſons and their goods, which ſhall be made up or bought and ſold contrary to the intention of this act, for ſuch reaſonable time as they may give notice to the conſtable of the pariſh where ſuch perſons or their goods ſhall be ſo ſeized, who are required to carry ſuch perſons and their goods before the mayor of the ſaid city of Cork.

(2) Which

(2) Which ſaid mayor is required either upon the confeſſion of the party offending, or due proof by one witneſs upon oath, that the perſon ſo brought before him hath offended contrary to this act, by warrant under his hand and ſeal to cauſe ſuch penalty as the offenders are liable to, to be forthwith levied by diſtreſs and ſale of the offenders goods, rendering the overplus, if any be, to the owners, after deduction of the reaſonable charges for taking the diſtreſs, and out of the diſtreſs to pay one moiety of the ſaid reſpective forfeitures to the informer, the other to be applied as is herein before directed. Warrant for penalties.

(3) And in caſe ſuch offenders ſhall not have goods ſufficient to anſwer the ſaid penalties, ſuch offenders, by warrant of the ſaid mayor, ſhall be publickly whipped three market-days ſucceſſively through the ſaid city of Cork, between the hours of eleven and twelve in the forenoon. Offenders to be whipped.

The act, 21 *Geo.* 2. *cap.* 7. *was to continue to the twenty-ninth day of September*, 1769, *and to the end of the then next ſeſſion of parliament.*

XXIV. *Stat.* 29 *Geo.* 2. *cap.* 8. *ſect.* 14. In caſe any green hides or calves-ſkins, which ſhall be expoſed to ſale in the city of Cork or the liberties thereof, or in the city of Waterford or the liberties thereof, or which ſhall be intended to be exported from either of the ſaid cities, or the liberties of either of the ſaid cities, ſhall appear to be impaired by gaſhing, ſlaughtering, or cutting the ſame, the butcher who ſhall flea the ſame, and alſo the perſon who ſhall expoſe to ſale ſuch hides or calves-ſkins, ſhall forfeit for each hide ſo impaired, a ſum not exceeding ten ſhillings, nor leſs than one ſhilling; and for each calf-ſkin ſo impaired, &c. a ſum not exceeding one ſhilling, and alſo the merchant or other perſon who ſhall buy ſuch hides or calves-ſkins, with intent to export the ſame, ſhall forfeit for each hide ſo impaired, &c. a ſum not exceeding ten ſhillings, nor leſs than one ſhilling, and for each calf-ſkin ſo impaired, &c. one ſhilling. Hides impaired by gaſhing, &c.

(2) The ſaid penalties to be levied by warrant under the hand and ſeal of the mayor of the city, or under the hand and ſeal of one of the juſtices of the peace for the county of the city where ſuch offences ſhall be reſpectively committed, by diſtreſs and ſale of the goods of the offenders, and the overplus of the money ariſing by the ſale of the ſaid goods (if any be) to be paid to the owners, after the deduction of the ſaid penalties, and of the reaſonable charges of taking the ſaid diſtreſs. Diſtreſs for penalties.

(3) And the ſaid mayor or juſtice of the peace reſpectively, is impowered to enquire into ſuch offences, and to determine the ſame, upon the oath of one or more witneſſes, which oath ſuch mayor or juſtice of the peace is hereby impowered to adminiſter. Magiſtrates impowered to enquire.

(4) And the penalties levied within the county of the ſaid city of Cork, ſhall be diſtributed and go, one moiety to the perſons informing, and the other moiety to the governors of the work-houſe of the ſaid city of Cork, to be by them applied to the ſupport and maintenance of ſuch foundling children as are or ſhall be received into the ſaid workhouſe, or any other houſe by them uſed for the reception of ſuch foundling children; and the ſaid penalties ſo levied within the county of the ſaid city of Waterford, ſhall go, one moiety to the perſons informing, and the other moiety to the poor of the pariſh wherein ſuch offence ſhall be committed. Diſpoſal of penalties.

XXV. *ſect.* 15. Where any green hides or calves-ſkins ſhall be diſcovered by the weigh-maſters for the time being of the ſaid city of Cork, or of the

city

city of Waterford, or by any of their deputies, to be impaired by gaſhing, ſlaughtering, or cutting the ſame, it ſhall be lawful for the ſaid weigh-maſters, or any of their deputies, to keep and detain the hides or calves-ſkins ſo impaired, until the penalties to which the perſons expoſing the ſame to ſale, are hereby liable to, be levied, and afterwards to cut the ſaid hides or calves-ſkins quite through the middle thereof, in order to prevent the ſame from being exported.

Judgments concluſive.

XXVI. *ſect.* 15. Whenever any hides or calves-ſkins ſhall be ſeized for being impaired by gaſhing, ſlaughtering, or cutting, or ſhall be brought for trial before the mayor of the city, or juſtices of the peace for the county of the city where ſuch offences ſhall be committed, or ſhall be detained as aforeſaid, for non-payment of the penalties, or whenever any diſtreſs ſhall be taken for the ſaid penalties, no replevin ſhall lie, but the judgment of ſuch mayor or juſtice ſhall be final and concluſive.

General iſſue.

XXVII. *ſect.* 16. If any perſon ſhall be ſued for putting in execution any of the powers herein contained, or for doing any thing purſuant hereto, ſuch perſons may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiffs ſhall be non-ſuited, or judgment be given againſt them by default, or upon demurrer, or a verdict ſhall paſs for the defendant, ſuch defendant ſhall have treble coſts, to be recovered in ſuch manner, as where by law coſts are given to defendants.

Work-houſe of Cork.

XXVIII. *ſect.* 17. It is declared to be the intent and meaning of the act 21 *Geo.* 2. *cap.* 7. that ſuch proportion of the penalties and forfeitures impoſed by the ſeveral laws then in force, in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, and in relation to the curing of hides and making up beef and pork for exportation, as by the ſaid laws or any of them, is directed to go either to the poor of the pariſh in the city of Cork, or to the poor of the city of Cork, ſhould go to the governors of the work-houſe of the ſaid city of Cork, to be by them applied to the ſupport and maintenance of ſuch foundling children.

Saving to informers.

XXIX. *ſect.* 18. Provided that nothing herein contained, ſhall extend to take away from the informer or ſeizer ſuch proportion of the penalties and forfeitures impoſed by the ſaid laws, as by the ſaid laws, or any of them, is directed to go to ſuch informer or ſeizer.

Continuance.

XXX. *ſect.* 19. The ſeveral clauſes herein contained for the preventing the impairing, gaſhing, ſlaughtering, and cutting of hides in the cities of Cork and Waterford, and the liberties of the ſaid reſpective cities, ſhall continue and be in force during the continuance of the ſaid act 21 *Geo.* 2. and no longer; and the ſeveral clauſes ſhall be conſidered and taken as amendments to the ſaid act.

Hides in ſtreets, &c.

XXXI. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 21. Every perſon who ſhall expoſe to ſale the hide of any beaſt in the ſtreets of any city or town through which travellers uſually paſs, ſhall upon conviction by the oath of one credible witneſs before any juſtice of the peace of the county where ſuch offence ſhall be committed, for every ſuch offence forfeit a ſum not exceeding ten ſhillings, to be levied by diſtreſs and ſale of the goods of the offender, by the warrant of any ſuch juſtice of the county, or city or town corporate where ſuch offence ſhall be committed.

Forfeit ten ſhillings.

XXXII. *Stat.*

XXXII. *Stat.* 5 *Geo.* 3. *cap.* 15. *ſect.* 7. *Whereas an act paſſed in the tenth year of the reign of King George the firſt, in relation to the curing of hides, &c. which was amended by another act made in the* 12*th year of his late Majeſty's reign, which ſaid acts have been further continued; and by an act made in the twenty-firſt year of his late Majeſty* [King George the ſecond] *the ſaid acts have been continued; which ſaid laſt recited act, ſo far as it relates to the continuing and amending the ſaid laws in relation to the curing of hides, &c. is found to be extremely uſeful*; the ſaid act, ſo far as it relates to *the continuing and amending the ſaid laws in relation to the curing of hides*, &c. is further continued to the twenty-ninth day of September, 1791, and to the end of the then next ſeſſion of parliament.

The 28, to G. 1.

12 G. 1.

21 G. 2.

Continued.

Continued.

XXXIII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 1. *ſect.* 6. By tanned hides or ſkins, or tanned pieces of hides or ſkins, is meant only ſuch as tanned in ooze made of bark of trees or ſumack, or whereof the principal ingredients ſhall be ſuch bark or ſumack; and by hides and ſkins or pieces of hides and ſkins dreſſed in oil is meant ſuch as made into leather in oil, or with any liquor or material whereof the chief ingredient ſhall be oil; and by tawed hides or ſkins, or tawed pieces, is meant ſuch, as dreſſed or made into leather in allum, or ſalt, or meal, or other ingredients properly uſed by tawers of white leather.

Tanned in bark or ſumack,

dreſſed in oil,

tawed.

Highways in County of Dublin.

I. *Stat.* 13 & 14 *Geo.* 3. *cap.* 34. *ſect.* 1. From and after the 1ſt of May 1774, ſuch parts of an act 5 G. 3. entitled, *an act for the more effectually amending the publick roads*, which relate to the county of Dublin, except the clauſe for repealing the acts therein mentioned, ſhall be repealed and made null and void.

5 G. 3. c. 14. repealed.

II. *ſect.* 2. All that part of the liberty of St. Sepulchre's within barony of Upper-croſs, which lies to north of the circular road, including the precincts of the cathedral of St. Patrick's, ſhall be ſeparated from ſaid barony, and be to all intents and purpoſes a diſtinct barony, and called and known by the name of the barony of St. Sepulchre's; and be rated by the treaſurer, as containing one thouſand five hundred and ſeventy two acres in the apportioning of all money preſented to be raiſed on the county at large: and ſuch parts of the ſaid barony of Upper-croſs, as are known by the name of the liberty of Donore, ſhall be ſeparated from ſaid barony, and be to all intents and purpoſes a diſtinct and ſeparate barony, and called by the name of the barony of Donore, and rated by the treaſurer as containing two thouſand eight hundred and ninety acres, in apportioning all money preſented on the county at large: and the remaining part of ſaid barony ſhall be a diſtinct and ſeparate barony in itſelf, and called by name of the barony of Upper-croſs, and rated by the treaſurer as containing nineteen thouſand and forty-two acres, in apportioning all money preſented on the county at large: and the half barony of Rathdowne ſhall be called by name of the barony of Rathdowne.

Liberty of St. Sepulchre's ſeparated from Upper-Croſs.

and made a diſtinct barony;

ſo to Donore;

remainder a diſtinct barony;

Rathdowne barony.

III. *ſect.* 3. It ſhall be lawful for grand juries of county of Dublin, at Eaſter and Michaelmas terms every year, to preſent any publick road in ſaid county, or any part, to be repaired, or any part of any publick road, not of breadth of twenty-one feet in the clear, to be widened to any breadth not exceeding thirty-one feet, nor leſs than twenty-one in the clear; and alſo to

Preſentment for roads to be repaired,

or widened not above 31 feet nor under 21;

presentment for new roads;

to present any new road to be laid out and made from market-town to market town, or from market-town to the sea, through any part of said county, except through the deer-park of any person, or through any field or garden enclosed with a wall five feet high at least, built with lime and stone, or bricks, or through any house or offices built with lime and stone, or bricks, or through any dwelling house of twenty feet in length, and fourteen in breadth, in the clear, or through orchards of six years growth, unless consent of the owner first obtained; and to appoint two or more persons, who can read and write, to oversee, and carry into execution, every such presentment: and further, to present all such sums as appear necessary, to be raised upon any of the baronies of Balrothery, Coolock, Castleknock, Nether-cross, Rathdowne, Newcastle, Upper-cross, saint Sepulchre's, and Donore, to be expended in repairing any publick road, or in widening or making any publick road in such baronies as aforesaid, and in paying wages to overseers appointed as aforesaid, not exceeding one shilling in the pound for each pound presented to be expended by such overseers.

overseers appointed,

wages for per £.

Affidavit for presentment for repair.

IV. *sect.* 4. No money so presented for repairing any road, unless an affidavit, sworn by two credible persons who can read and write, before one of the judges of king's bench at Easter or Michaelmas term, or any two justices for said county in following form, be first laid before grand jury.

County of Dublin. } *of and of do swear, that they have lately measured perches of the road from to between and all in the barony of in this county, and that it will require the sum of effectually to repair the said perches with gravel or stones, being at the rate of by the perch, which they verily believe is the least the said perches can be effectually repaired for.*

And no part of money so presented shall be paid on account of any presentment for repair of any road by the treasurer until the affidavit of one of the overseers, who can read and write, appointed by the grand jury, sworn before one of the judges of the king's bench, in following form, shall be allowed by grand jury, and judges of said court.

Overseer's affidavit.

County of Dublin, } *Whereas the sum of was presented at term, in the year for said county, to be expended in repairing perches of the road from to between and in the barony of at the rate of by the perch, and the sum of for overseer's wages, at pence for each pound. And whereas and were appointed overseers of the same. Now I of do swear, that I have expended, faithfully and honestly, the sum of in repairing effectually with gravel or stones perches of the said road, which sum, with my wages, at pence for each pound, makes in the whole the sum of and that every part of the said perches is twenty-one feet wide in the clear, within the ditches, drains, or fences, and is fifteen feet wide, with gravel or stones; and that I expended the sum of between the twenty-fifth day of March and the twenty-fifth day of August, in the year*

Except

Except where the road preſented to be repaired, is incloſed with walls built with lime and ſtones, or bricks, or dwelling-houſes twenty feet in length, and fourteen in breadth in the clear, and is not twenty one feet wide between the ſame; in which caſe inſtead of the words, [*twenty-one feet wide in the clear, within the ditches, drains, or fences*] [ſhall be inſerted theſe words,] *incloſed on both ſides with walls built with lime and ſtones, or bricks, five feet high, or with dwelling-houſes of twenty feet in length, and fourteen feet in breadth in the clear*] and no part of ſaid money ſo preſented, ſhall be paid, until thoſe overſeers, who ſhall not have ſworn to the expenditure, who can read and write, ſhall alſo make oath in form following, after firſt reciting the preſentment.

County of Dublin. } *I or we the other overſeer or overſeers in the above recited preſentment, do ſwear, that we have carefully viewed the ſaid road* [as it ſhall happen to be] *ſo ſworn to be repaired by ſince the ſame has been finiſhed, and that to the beſt of our judgment and opinion, the ſame has been ſufficiently repaired; and that we believe the money ſworn by the ſaid to have been expended in repairing the ſaid road has been faithfully and honeſtly laid out.*

V. *ſect.* 5. It ſhall be lawful for grand jury of county of Dublin every Eaſter term to appoint, not exceeding one year, any overſeers, to keep in repair and free from illegal nuiſances, any number of perches of any road, not exceeding ſix hundred perches for each overſeer, and alſo to preſent at Eaſter or Michaelmas term every year, any money, not exceeding in the whole, for ſuch ſix hundred perches, ſeven pounds ten ſhillings, which ſhall appear by affidavit to the grand jury, and king's bench, to have been expended in keeping in repair any ſuch road, or in removing illegal nuiſances upon any part of ſuch ſix hundred perches.

Overſeers for 600 perch each yearly at Eaſter to keep in repair and from nuiſances.

VI. *ſect.* 6. No money ſhall be ſo preſented for widening any publick road, unleſs an affidavit, ſworn by two credible perſons who can read and write, before one of the judges of king's bench, or two juſtices for ſaid county, in form following, firſt laid before grand jury.

County of Dublin, } *of and of do ſwear, that they have lately meaſured perches of the road from to between and all in the barony of in the ſaid county, and that no part of ſaid perches is twenty-one feet wide in the clear of ditches, drains, or fences, or incloſed on both ſides with walls built with lime and ſtones, or bricks, five feet high, or dwelling-houſes of twenty feet in length, and fourteen feet in breadth in the clear, and that it will require the ſum of to widen the ſaid perches to the breadth of in the clear, and to make fences inſtead of thoſe that ſhall be taken down and deſtroyed in order to widen the ſame; and that the ſaid ſum is a reaſonable charge, and is the leaſt that the ſaid work can be effectually done for.*

Affidavit for widening.

No money ſhall be paid by the treaſurer on account of ſuch preſentment, unleſs an affidavit of one of the overſeers, who can read and write, ſworn before one of the judges of king's bench in form following, allowed by grand jury and king's bench.

Overſeer's affidvait. *County of Dublin.* } *Whereas the ſum of was preſented by the grand jury of ſaid county at term in the year to be expended in widening perches of the road from to between and all in the barony of in ſaid county, and the ſum of for overſeers wages at pence for each pound. And whereas and were appointed overſeers of the ſame, now I of do ſwear, that I have faithfully and honeſtly expended the ſum of in widening perches of ſaid road; which ſum, with my wages at pence for each pound, makes in the whole the ſum of and that every part thereof is now feet wide in the clear, of ditches, drains, or fences, and that new fences are made inſtead of thoſe that have been taken down or deſtroyed, in order to widen the ſame.*

And no part of ſaid money ſo preſented ſhall be paid, until ſuch overſeers, who ſhall not have ſworn to the expenditure, and can read and write, ſhall alſo make oath in form following, after reciting the preſentment.

Overſeer's affidavit. *County of Dublin.* } *I or we the other overſeer or overſeers in the above recited preſentment, do ſwear, that we have carefully viewed the ſaid road ſo ſworn to be widened by ſince the ſame has been finiſhed; and that to the beſt of our judgment and opinion, the ſame has been properly widened, and that the new fences are ſufficiently made, and that we believe the money ſworn by the ſaid to have been expended in widening ſaid road, has been faithfully and honeſtly laid out.*

Where a boundary, half preſented, VII. *ſect. 7.* If any part of any publick road be the boundary between any two baronies in ſaid county, or any barony in ſaid county, and in any adjoining county, or between any barony in ſaid county, and county of city of Dublin, ſo as that one ſide of each road is in one barony, the other in another, or in county of the city, it ſhall not be lawful for any grand jury to preſent more than half the ſum neceſſary for repairing or widening ſuch road, and half overſeer's wages, to be raiſed on ſuch barony, to which ſuch road the boundary; and in the affidavit before the money can be preſented for repairing or widening, and alſo in the affidavit by the overſeer who has expended, before the money can be paid, inſtead of the words [*all in the barony of*] ſhall be inſerted theſe words, [*which ſaid perches are the mearing between the baronies of and in ſaid county, or between the barony of in ſaid county, and the barony of in the county of or between the barony of and the county of the city of Dublin*] as the caſe ſhall happen; and no money be paid by the treaſurer on account of ſuch preſentment unleſs an equal ſum preſented at the ſame term for the adjoining barony, if in the ſame county, or unleſs it appear by affidavit to king's bench and grand jury, that as much money has been ſo preſented for ſuch barony, ſhall have been preſented for doing the other part of ſaid work by the grand jury of adjoining county or counties, or grand jury of county of city of Dublin.

equal preſentment in the adjoining.

No part of road encloſed; encloſures pulled down by warrant of 2 juſtices of 100l. a year. VIII. *ſect. 8.* No perſon ſhall encloſe, or add to field or encloſure, any part of any publick road, or any ſpot adjoining, now belonging to or deemed a part of ſaid publick road; and in caſe any perſon ſhall ſo take in, encloſe, or add, it ſhall be lawful for any two juſtices within their juriſdiction,

riſdiction, each having a real eſtate of one hundred pounds a year in ſaid county, on view or oath of one credible witneſs, by warrant under hands and ſeals, to order ſuch encloſure, whether wall or ditch, to be pulled down, and to levy the expence, together with forty ſhillings on offender's goods and chattles. penalty 40s. and coſt.

IX. *ſect.* 9. It ſhall be lawful for grand jury of ſaid county, at Eaſter or Michaelmas term every year, to preſent ſuch ſums as neceſſary to lay out and make ſuch new road through ſaid county, or any part, to make fences thereto, not exceeding one ſhilling each perch of ſuch fence, to be raiſed either upon ſaid county, and expended in laying out and making ſuch new road, or in making fences and paying wages to overſeer, not exceeding one ſhilling in the pound preſented to be expended by ſuch overſeer, or upon any barony in ſaid county, and expended in laying out and making any part of ſuch new road or fences within ſaid barony, and in paying wages to overſeer after rate aforeſaid. Preſentment for new road and fences at 1s. per perch, wages 1s. per £.

X. *ſect.* 10. In every preſentment for new road, the name of the perſon requeſting inſerted; and no ſuch preſentment ſhall be made unleſs it appear by affidavit, before any two juſtices for ſaid county, that a map of ſuch new road has been depoſited with the treaſurer twenty-one days before firſt day of ſuch term, to be inſpected by all whom it may concern, (which map is to be kept by clerk of crown among the records) and no part of ſuch intended new road is to be made through deer-park, or any field or garden encloſed with a wall five feet high, built with lime and ſtone, or bricks, or through any houſe of twenty feet in length, and fourteen in breadth in the clear; or through any houſe or offices built with lime and ſtone or bricks, or through orchards of ſix years growth, unleſs conſent of owner or occupier of the land firſt obtained; and a notice ſetting forth that an application is intended to be made next term for a preſentment to lay out a road from to diſtinguiſhing the ſeveral lands, and baronies or barony through which to be made in ſaid county, and number of perches through each town land, perſonally ſerved upon or left at the houſe of each occupier of land through which the ſame is to be made in ſaid county, twenty one days at leaſt previous; and another ſuch notice poſted upon the door of county-court, and of the four-courts, ſeven days at leaſt previous to firſt of ſuch term. Party named; affidavit of map depoſited 21 days; not through deer-park, &c. notice to occupiers ſerved, and poſted 21 days before term at court-houſe and at four courts 7 days.

XI. *ſect.* 11. No money ſhall be preſented for new road, unleſs an affidavit, ſworn by two credible perſons who can read and write, before one of the judges of the king's bench, or two juſtices for ſuch county in form following, firſt laid before grand jury.

County of Dublin. } *of and of. do ſwear, that it will require the ſum of to make perches of the new road lately laid out from to between and all in the barony of in ſaid county, thirty feet wide in the clear at the leaſt, and ſixteen feet wide at the leaſt, with gravel and ſtones, being at the rate of by the perch, which they verily believe is the leaſt the ſaid perches can be effectually made for.* Affidavit for preſentment for new road.

And no part of money ſo preſented ſhall be paid on account of ſuch preſentment by the treaſurer until affidavit of one of overſeers who can read and write,

write, appointed by grand jury, ſworn before one of the judges of king's bench, in following form, allowed by grand jury and king's bench.

Overſeer's affidavit.

County of Dublin, } *Whereas the ſum of was preſented at term in the year to be expended in making perches of the new road from to between and all in the barony of at the rate of by the perch, and the ſum of for overſeer's wages, at pence for each pound. And whereas and were appointed overſeers of the ſame: now I of do ſwear that I have faithfully and honeſtly expended the ſum of in making perches of the ſaid new road, and that the ſaid perches are thirty feet wide at leaſt in the clear within the ditches, drains, or fences, and were effectually made ſixteen feet wide at the leaſt, with gravel or ſtones, in the year which ſum, with my wages at pence for each pound, makes in the whole the ſum of*

And no part of ſaid money ſo preſented, ſhall be paid, until ſuch of ſaid overſeers, who ſhall not have ſworn to the expenditure, and who can read and write, ſhall alſo make oath in the form following, after firſt reciting the preſentment.

Overſeer's affidavit.

County of Dublin. } *I or we the other overſeer or overſeers in the above recited preſentment, do ſwear, that we have carefully viewed the ſaid road, ſo ſworn to be made by ſince the ſame has been finiſhed, and that to the beſt of our judgment and opinion, the ſame has been effectually made: and that we believe the money ſworn by the ſaid to have been expended in ſaid road, has been faithfully and honeſtly laid out.*

And no money ſhall be paid by the treaſurer on account of any preſentment for fences to ſuch new road, unleſs it appear to grand jury by affidavit of one of the overſeers, before one of the judges of king's bench, that the money preſented has been faithfully and honeſtly laid out; and alſo unleſs it appear by affidavit of one of the other overſeers named, that ſuch fences are to the beſt of his judgment and opinion effectually made.

Traverſe,

tried ſame term or the next;

verdict concluſive,

on payment or depoſit overſeers may proceed;

damages preſented in proportion;

old road ſtopped.

XII. *ſect.* 12. Any perſon aggrieved by any preſentment may traverſe at ſame term in which preſentment made; and ſuch traverſe may be tried at the ſame term, and if not then, ſhall be tried the term enſuing, unleſs good cauſe ſhewed to the contrary; and the jury who try the traverſe ſhall true verdict give, whether any and what damages will accrue thereby to ſuch perſon, which verdict ſhall be concluſive to ſuch perſon; and upon the ſum ſo found for damages being paid, or depoſited with the treaſurer for his or her uſe, it ſhall be lawful for the overſeer to proceed and make ſuch new road, purſuant to preſentment, without interruption of ſuch perſon; and it ſhall be lawful for the grand jury of ſaid county, to preſent, if they think proper, the ſum found for damages, to be raiſed upon the county, or upon the barony or baronies through which the ſaid road ſhall be made, in proportion to the length it ſhall be made through each; and the grand jury of ſaid county may alſo preſent any old road, or any part, to be ſtopped, where any new road to anſwer the purpoſes of the old one hath been or ſhall be made, except ſuch old roads, concerning which ſuits are now depending either at law or in equity.

XIII. *ſect.*

XIII. *ſect.* 13. A notice ſhall have been poſted upon the door of the court houſe of quarter ſeſſions and four courts, the preceding ſeſſions and term, of intention of applying for ſtopping up ſuch old road. Notice thereof poſted.

XIV. *ſect.* 14. It ſhall be lawful for any perſon, aggrieved by ſuch preſentment for ſtopping up any old road, to traverſe at the ſame, or next term after, and ſuch traverſe ſhall be tried by a jury; and in caſe ſuch preſentment traverſed, or a verdict found for preſentment, confirmed. Traverſe.

XV. *ſect.* 15. In every affidavit by overſeer, for accounting for any money expended on any road, bridge, or other publick work, after 1ſt of June 1775, ſhall be added theſe words, [and that no cart, car, or other carriage, was employed in ſaid work, whoſe wheels were of leſs breadth or gage from ſide to ſide on the ſole when worn, than three inches, and the ſtraiks of the wheels of ſaid cars, carts, or carriages, were not ſet on with ſprigs, or high-headed nails.] And further, that all perſons bringing milk to city or ſuburbs of Dublin, who ſhall after the 24th of June 1775, carry or convey the ſame upon low-backed cars, or any other carriages whatſoever, the wheels of which ſhall not be three inches at leaſt from ſide to ſide at the bottom or ſole, when worn, or if the ſtraiks or iron with which ſaid wheels are bound, ſhall be ſet on with ſprigs or high-headed nails, ſhall forfeit twenty ſhillings for every time they carry or convey the ſame on ſuch carriages; ſaid penalty to be recovered by any perſon who ſhall inform thereof upon oath before a juſtice of ſaid county, and upon refuſal or neglect of paying, ſuch penalty levied by diſtreſs and ſeizure of ſaid car, or carriage, milk, and veſſel, and horſe, or other beaſt of draught, in the ſame manner as directed in an act in the preſent year of his preſent Majeſty, intituled, *an act for amending the publick roads.* Overſeer's affidavit. Milk cars with narrow wheels, penalty 20s.

XVI. *ſect.* 16. It ſhall be lawful for grand jury of ſaid county, at Eaſter and Michaelmas term every year to preſent, that ſuch ſums as they think neceſſary, ſhall be raiſed upon ſaid county at large, to be expended in building a new ſeſſion-houſe, gaol, work-houſe, or of correction, bridge, or wall neceſſary to ſupport of any road in ſaid county, and for wages of overſeer, not exceeding twelve pence each pound, by him expended agreeable to ſuch preſentment; and preſent that ſuch ſums of money as they think neceſſary, ſhall be raiſed upon ſaid county at large to be expended in rebuilding, enlarging, or repairing the ſeſſions-houſe, gaol, work-houſe, or houſe of correction, or any bridge, or part of a bridge, or gullet or pipe under any road, or any wall, or part of a wall, neceſſary to ſupport of any road in ſaid county, or for gravelling or filling over any ſuch, and alſo for wages of the overſeer of ſuch work, not exceeding twelve pence each pound, by him expended agreeable to ſuch preſentment: provided no money ſhall be ſo preſented for any abovementioned works, unleſs it appear by affidavit of two credible perſons who can read and write, before any one of judges of king's bench, or two juſtices of ſaid county, that the ſum is reaſonable, and the work neceſſary, and cannot be effectually executed for a ſmaller ſum, to beſt of their knowledge: and provided that if the affidavit ſhall be for building a new ſeſſions-houſe, gaol, work-houſe, or of correction, or bridge, or for rebuilding an old one, a plan and eſtimate ſhall be annexed to ſuch affidavit, in which the following words ſhall be alſo inſerted after the words ſmaller ſum, [according to the plan and eſtimate hereunto annexed;] and no preſentment for any new bridge, except to be built in the room of an old one, ſhall be confirmed by any Preſentment for gaol, &c. wages not above 12d. per £. for rebuilding, gullets, &c. and wages, on affidavit, eſtimate annexed,

and for new bridge, any judge of king's bench, unleſs it appear, that an affidavit and eſtimate for ſuch new bridge, had been laid before grand jury of ſaid county laſt term, and certified by the foreman, but this ſhall not extend to new bridges preſented inſtead of old ones carried away or deſtroyed, or require to be built; ſave for thoſe deſtroyed, not paid without overſeer's affidavit; and the whole ſum, or any part, ſave as after mentioned, ſo preſented for ſuch work, ſhall not be paid by the treaſurer on account of any ſuch preſentment, until it appear to the grand jury, and king's bench by affidavit of one of overſeers, who can read and write, before one of the judges of king's bench, that ſaid ſum hath been faithfully and honeſtly expended in execution of the work, for which granted by ſuch preſentment, to beſt of his ſkill and judgment, and until ſaid account allowed by grand jury and king's bench; and Preſentment above 100l. paid on overſeer's affidavit, where any preſentment exceeding one hundred pounds, granted for building, rebuilding, or repairing the ſeſſion-houſe, gaol, work-houſe, or of correction, or any bridge, king's bench is empowered to order ſuch part of any ſuch preſentment to be paid by treaſurer to overſeer, as ſworn expended by him, on his affidavit being allowed by grand jury, ſetting forth, that as much of the work is done according to preſentment, as amounts to ſum required; which ſum is limited not to exceed two thirds of preſentment: provided, the overnot above two thirds, ſecurity to finiſh. ſeer gives ſecurity before king's bench, to finiſh the work purſuant to preſentment.

Where boundary, half preſented, XVII. *ſect.* 17. It ſhall not be lawful for grand jury of ſaid county to preſent more than half the ſum that ſhall appear to them, by affidavit of two credible perſons, before a judge of king's bench, or two juſtices of ſaid county, neceſſary for building, rebuilding, or repairing any bridge, gullet, or pipe, or filling, or gravelling over the ſame, the boundary between ſaid and any adjoining county, or between ſaid county and county of city of Dublin; and half for adjoining county; and half overſeer's wages to be raiſed upon ſaid county; and no money ſhall be paid by the treaſurer, on account of ſuch preſentment, unleſs it alſo appear to grand jury and king's bench, that an equal ſum hath been preſented for ſaid work on adjoining county; and any juſtice of ſaid county, having ſudden damage not above 5l. by a juſtice of 100l. a year; freehold in lands, tenements, or hereditaments, of clear yearly value of one hundred pounds at leaſt within ſaid county, may, under hand and ſeal, order any ſum not exceeding the ſum of five pounds, to be expended in repairing any bridge, ſhore, ſeſſion-houſe, houſe of correction, or gaol within ſaid county, ſuddenly damaged, and which ought to be repaired by ſaid county, on affidavits; if it ſhall appear to him, by affidavit of two credible perſons, who can read and write, that the repair cannot be delayed to next preſenting term without prejudice to the county, as they verily believe; and ſaid juſtice may alſo appoint proper overſeers to repair; and grand jury of ſaid county, at next Eaſter or Michaelmas term, is required to raiſe by preſentment the ſum ſo expended in repairing, upon ſaid county at large, to be paid to overſeers ſo appointed, upon producing ſuch affidavit, and ſuch warrant under hand and ſeal of ſaid juſtice; as alſo an affidavit by one or more of the overſeers, before a judge of king's bench, that they have faithfully and honeſtly expended the ſum ſpecified in affidavit, in repairing ſuch bridge, ſhore, ſeſſions-houſe, houſe of correction, or gaol; and any juſtice qualified as aforeſaid, upon affidavit of two ſubſtantial houſeholders, who can read and write, may in like manner order any ſum not exceeding forty ſhillings, to be expended in repairing any To for bad ſteps, not above 40s. hole or bad ſtep in any road by a ſudden fall of rain or other accident, and may appoint an overſeer to repair the ſame; and grand jury of ſaid county

are

are required to raiſe at next preſenting term upon the barony upon which ſuch road is, the ſum ſo expended, on ſuch overſeer's performing requiſites as abovementioned, overſeers of bridges are required, provided no juſtice ſhall make above one ſuch order, between one preſenting term and another; nor for any road in any barony in which he has not a freehold of clear yearly value of one hundred pounds; and no money ſhall be paid by treaſurer to any overſeer appointed by any juſtice, unleſs it firſt appear to grand jury, and king's bench, by affidavit of ſuch juſtice, that he viewed ſuch bridge, road, ſhore, ſeſſions-houſe, houſe of correction, or gaol, before he gave any order for repairing, and that the repair ſeemed neceſſary; and that he viewed the ſame ſince repaired, and that the work ſeemed well executed, and the whole of the money honeſtly expended, and that he has an eſtate of freehold in the county of clear yearly value of one hundred pounds, and that he made only one ſuch order ſince laſt Eaſter or Michaelmas term.

but one ſuch order;

juſtice's affidavit.

XVIII. *ſect.* 18. It ſhall be lawful for grand jury of ſaid county, at Eaſter or Michaelmas term or ſeſſions every year by preſentment to raiſe on ſaid county any ſum not exceeding twenty pounds, for building or repairing of gallowſes, or bolts, ſhackles, ſtocks, whipping poſts, ducking-ſtools, or pillories, mile ſtones, or finger poſts; and alſo any ſum neceſſary for conveying any priſoner accuſed of a capital offence, to county gaol, ſo as the ſame do not exceed ſix pence each mile every ſuch priſoner ſhall be conveyed to ſuch county gaol; and it ſhall be lawful for grand jury of ſaid county, at Eaſter or Michaelmas term every year by preſentment, to raiſe on ſaid county ſuch ſums as they judge neceſſary, for recovering publick money from treaſurers, collectors, or receivers, their executors, adminiſtrators, or ſureties, or executors or adminiſtrators of ſuch ſureties; and ſuch ſums as neceſſary to proſecute ſuits for recovery of any ſums preſented under this act.

Preſentment yearly not above 20l. for gallows, &c.

for conveying priſoners 6d. per mile;

for recovering publick money, and for ſuits.

XIX. *ſect.* 19. No ſum ſhall be paid by the treaſurer upon account of any ſuch preſentment, until it appear to the grand jury and king's bench, by affidavit of one of the perſons to whom ſuch ſum granted, ſworn before one of judges of king's bench, that ſuch ſum hath been faithfully and honeſtly expended agreeable to preſentment.

XX. *ſect.* 20. It ſhall be lawful for grand juries of county of Dublin, in Eaſter and Michaelmas terms every year, to preſent a foot-path not exceeding three feet in breadth, to be made on either ſide of any road within five miles of the Tholſel; and alſo by preſentment to raiſe upon any barony, ſuch ſums, not exceeding two ſhillings *per* perch, as they think neceſſary to be expended in making or repairing foot-paths, with ſtyles, not leſs than three feet wide, on any road, or along the ſide in ſaid barony, ſubject to ſuch method of account as preſentments for publick roads by this act; but ſaid foot-path ſhall not paſs through deer park, or any fields, or garden incloſed by a wall five feet high at leaſt, built with lime and ſtone, or bricks, or any houſe or offices built with lime and ſtone, or bricks, or any dwelling-houſe of twenty feet in length and fourteen in breadth in the clear, or through orchards of ſix years growth, unleſs conſent of owner or occupier be firſt obtained; and that whoever aggrieved, ſhall be allowed to traverſe in ſame manner as before directed with regard to making new roads, and if any perſon ſhall ride or drive any cattle knowingly, willingly, or unneceſſarily on any ſuch foot-path, ſuch perſon ſhall, upon conviction, by oath of one credible witneſs before any one juſtice having freehold of clear yearly value of one hundred pounds at leaſt within ſaid county, within his juriſdiction, or upon view of ſuch juſtice,

For foot paths 3 feet broad within 5 miles;

2s. per perch on barony;

not through deer park, &c.

traverſe;

penalty 10s.

appeal to ſeſſions.

juſtice, for every ſuch offence forfeit a ſum not exceeding ten ſhillings, levied by warrant under hand and ſeal of ſuch juſtice, by diſtreſs and ſale of the cattle, or goods and chattles of offender; one moiety to informer, the other to the juſtice towards keeping ſaid foot-path in repair; and any perſon aggrieved by act of any magiſtrate, ſhall have power of appealing to next general ſeſſions, there finally determined as in caſe of ſervants wages.

Repreſentments for other work;

affidavit of expenditure not allowed after 2 years; preſentment for arrears in reſpective baronies.

XXI. *ſect.* 21. Whenever any ſum preſented, ſhall not be expended agreeable to preſentment, and accounted for within two years, it ſhall be lawful for grand jury next preſenting term, to re-preſent ſuch ſum then in treaſurer's hands, to be expended on ſome other work in the barony, upon which the former was preſented, or in the county, if to be raiſed on the county at large; and no affidavit accounting for expenditure ſhall be received or allowed after two years: and it ſhall be lawful for grand jury, at Eaſter and Michaelmas terms every year, to preſent all ſuch ſums as now unpaid, or in arrear, and ſhall appear to grand jury and king's bench, upon affidavit, to have been actually expended by any overſeers appointed by former acts, out of any of ſaid baronies of Balrothery, Coolock, Caſtleknock, Nethercroſs, Newcaſtle, Rathdowne, to be raiſed and levied on ſuch diſtrict, ward, or denomination as originally required by treaſurer's warrant to be levied upon, according to county book or table herein mentioned; and to preſent all ſuch ſums as now in arrear, and ſhall appear to grand jury and king's bench, upon affidavit, actually expended by any overſeers appointed by former acts, out of the barony of Uppercroſs, to be raiſed and levied on ſuch diſtrict, ward, or denomination of the baronies of Uppercroſs, Saint Sepulchre's, and Donore, conſtituted baronies by this act, as originally required by the treaſurer's warrant to be levied upon, in proportion following; upon the barony of Uppercroſs as containing twenty-nine thouſand two hundred and eighty-one acres; upon Saint Sepulchre's, as containing four thouſand ſix hundred and ſeventy-eight acres; and upon Donore, as containing five thouſand ſeven hundred and eighty acres, according to ancient valuation of ſaid diſtricts; and to preſent all ſums as now in arrear, and ſhall appear to grand jury and king's bench, upon affidavit, actually expended by any overſeers appointed by former acts, out of the county at large, to be raiſed and levied on ſuch diſtrict, ward, or denomination of the county as originally required by treaſurer's warrant to be levied upon, all which ſums ſhall be paid to the different overſeers who have expended.

No arrears after 5 years; only half in a term;

each ward to bear a proportion,

where proceſs againſt overſeer, though quere diſcharged.

XXII. *ſect.* 22. No arrears uncollected or unpaid longer than five years laſt, ſhall be preſented; and no more than one half of each ſum remaining unpaid under ſaid preſentments, ſhall be preſented at any one preſenting term; and no ward or conſtablewick obliged to pay more of ſaid arrears, than they really and truly are in arrear for their reſpective proportions; it being the true intent and meaning, that each ward or conſtablewick ſhall pay and bear its own proportion of ſaid arrears, ſo far as the ſame may be preſented and raiſed from time to time; if it appear to any judge, upon due proof by two credible perſons upon oath, at any time within one year after any quere on any preſentment, by which money granted has been diſcharged, that the court was deceived by any affidavit for diſcharging ſuch quere, and that the money was not expended agreeable to preſentment, the king's bench may, notwithſtanding ſuch quere, diſcharge, fine, or iſſue proceſs againſt overſeers in ſuch preſentment, as if the quere not diſcharged.

XXIII. *ſect.*

XXIII. *sect.* 23. It shall be lawful for the justices of king's bench, in term, to order warrants, in nature of an execution, to the high sheriff, or other officer lawfully authorized, impowering by sale of goods and chattels, or a sufficient part, or by rents, issues, and profits of lands and tenements of any such treasurer, collector, or other person impowered to collect publick money, or their executors and administrators, or of their sureties, or executors and administrators of such sureties, who shall not have accounted for, and paid, or expended the publick money, and shall be found in arrear for the same, or any part, to raise, levy, and collect such sums for which so in arrear, and pay the same, when levied, to the then treasurer; for collecting which, such high sheriff, or other officer lawfully authorized, shall be intitled to receive two shillings for every pound he shall so collect, levied in manner aforesaid, from such persons against whom such warrant shall issue; and it shall be lawful for the king's bench to inquire of, hear, and determine all and every offence, matter, and cause that shall arise by reason of this statute, and to lay on such reasonable fines as thought meet; which fines shall be levied by the high sheriff, or under sheriff, or collector of any barony, or deputy, as the court shall direct, as all county or barony taxes are hereby appointed to be levied, and paid to the treasurer, to be expended as grand jury of said county shall direct, after deducting two shillings in the pound for levying.

Warrants of B. R. to levy arrears of publick money, &c.

paid to treasurer,

fee 2s. per £.

fines by B. R.

levied as county or barony taxes.

paid to treasurer,

expended as by grand jury,

deducting 2s. per £.

XXIV. *sect.* 24. Whereas many presentments remain unpaid, from money raised having been secreted and carried away by Charles Alder, late treasurer, it shall be lawful for grand jury of said county, next Easter or Michaelmas, or any future Easter or Michaelmas term, within four years after the first of May 1774, to raise by presentment such sums of money off the several baronies respectively, and off the county at large, as shall appear to them to have been expended by overseers appointed heretofore by presentment for that purpose, or due by presentment, who by failure of said treasurer have never been paid the money presented for uses aforesaid: provided no more than half each sum remaining unpaid by said Charles Alder shall be presented at any one presenting term within said four years; and it shall be lawful for the grand jury at Easter or Michaelmas term in any year, to present such sums as hereafter recovered from said Charles Alder, his executors or administrators, or his sureties, their executors or administrators, to be expended in works in the barony upon which the former was presented, or in the county, if to be raised on the county at large, to such uses as county presentments.

Presentment at Easter or Michaelmas in 4 years, for money unpaid by late treasurer;

half each sum one term;

applied when recovered as barony or county presentments.

XXV. *sect.* 25. No such presentment made or allowed, unless the sum so presented appear due, over and above all payments by said treasurer, and all just allowances whatsoever.

Presentment over and above allowances.

XXVI. *sect.* 26. It shall be lawful for grand jury of said county to appoint overseers for building or repairing any sessions-house, gaol, work-house, bridge, gullet, pipe, or wall, necessary for support of any road, or for making, repairing, or preserving any road in said county; and no treasurer, collector, or other person receiving publick money, shall on any account be named or appointed overseer in any presentment.

Overseers appointed not receiving publick money.

XXVII. *sect.* 27. Whenever any overseer shall happen to die, or by sickness or fatality be rendered unable to attend, before presentment is account-

On overseer's death inability to attend oath of the

others ſufficient, money expended on affidavit;

ed for, on proof thereof by affidavit to grand jury, and king's bench, or oath of ſurvivor, or ſurvivors of them, or of thoſe who are able to attend ſhall be ſufficient: and whenever the overſeer appointed by grand jury for any work preſented ſhall happen to die, before he has accounted, and after a part of the money preſented hath been expended by him in the execution thereof, in caſe an affidavit, ſworn by any credible perſon, who can read and write, before a judge of king's bench, in form preſcribed by this act for the overſeer allowed by grand jury and king's bench, in which affidavit, inſtead of the words *[I have faithfully and honeſtly expended]* ſhall be inſerted theſe words *[to the beſt of his belief and opinion was expended by who is now dead]* the money declared by ſaid affidavit to have been expended, together with wages, if preſented, paid by treaſurer, any thing herein to the contrary notwithſtanding: and it ſhall be lawful for the grand jury, at any of the terms, if it ſhall appear to them that any of the overſeers have not performed the truſt with propriety and fidelity to diſcharge ſuch, and appoint in their place ſuch overſeers as ſhall ſeem expedient; who ſhall be conſidered to all intents the ſame as the perſons originally appointed.

paid by treaſurer, with wages if preſented, overſeers diſcharged, others in their place.

100l. a year at 5ol. a term treaſurer's ſalary;

XXVIII. *ſect.* 28. Grand jury of ſaid county at Eaſter and Michaelmas, terms every year, impowered to preſent any ſum not exceeding fifty pounds each of ſaid terms yearly, to be paid to treaſurer of ſaid county, for his ſalary, in lieu of the twenty pounds yearly which he now receives; and alſo, that the treaſurer ſhall, in caſe the grand jury and king's bench ſhall not approve of the ſecurity given at quarter-ſeſſions, or that no ſecurity there given, but not otherwiſe, upon entering into office, give ſecurity by recognizance with two or more ſufficient ſureties, approved of by grand jury and king's bench, jointly and ſeverally, in ten thouſand pounds, conditioned, that ſuch treaſurer ſhall well and truly execute ſaid office, and account for all ſuch publick money as ſhall come to his hands, when, and as often as required by the grand jury, at every term, or by the juſtices for ſaid county at every quarter-ſeſſions; and in caſe ſaid treaſurer neglects to give ſaid ſecurity, and to produce ſaid ſecurities, he ſhall vacate his office, and the juſtices ſhall next quarter ſeſſions, proceed to election of a new treaſurer, but ſhall not upon any account appoint again the former one, who has ſo neglected to give his ſecurity; ſaid treaſurer ſhall make up his accounts, upon oath, of all receipts and payments, at Eaſter and Michaelmas terms every year, and lay them, fairly written, the laſt day of ſaid terms, or ſooner if required, before the grand jury, to be viewed, allowed, or diſapproved of by ſaid grand jury, who ſhall cauſe the ſame to be entered in county book, with ſuch remarks as they think fit; and the ſaid treaſurer ſhall not compound for any money to be raiſed on the publick, nor make any deductions whatſoever for any ſum he ſhall pay to any perſon, but ſuch as he ſhall account for; and if the treaſurer ſhall offend herein, or neglect to make up accounts, or to keep an office open every day Sundays excepted) eight days immediately after each of the terms in every year, from nine in the morning till three in the afternoon, within the city or precincts of city of Dublin; or ſhall, during that time refuſe to pay amount of any queries diſcharged, if demanded, without fee or reward, (if he ſhall have publick money to pay) he ſhall be fined by king's bench, or committed without bail or mainprize to county gaol at diſcretion of king's bench; and grand jury of ſaid county, at any of the terms, and not elſewhere, ſhall appoint proper perſons for each barony reſident in ſaid barony, to collect the money preſented upon each of the baronies;

ſecurity by treaſurer in 10,000l. to account for money,

or a new one elected next ſeſſions;

account on oath at Eaſter or Michaelmas, laid before grand jury; entered with remarks; no compoſition, or declaration; office open 8 days after terms from 9 till 3; treaſurer not accounting, or paying queries, diſcharged, &c. fined or impriſoned, reſident barony collectors appointed by grand jury, wages not above 9d. per £.

ronies; as alſo the proportion of ſuch barony ſo preſented on the county at large; and may preſent not exceeding nine pence in the pound as wages for collecting the ſame: ſaid ſum preſented as wages ſhall not be raiſed, unleſs the perſons who ſo collect, enter into recognizance, with two ſufficient ſureties, in ſuch ſum as approved by grand jury at the term, for the collecting and paying off all ſuch publick money, as they are required to collect, to ſuch treaſurer or his ſucceſſors, treaſurers of ſaid county, on or before the ſecond day of next preſenting term, (which recognizances ſhall be lodged with the clerk of peace, kept amongſt records of the county;) and every collector appointed as aforeſaid, may, by writing under hand and ſeal, appoint deputy collectors, for whom he ſhall be anſwerable; and in caſe the grand jury neglect to appoint a collector for any barony, or a collector appointed ſhall fail to give ſecurity required, the high conſtable of ſaid barony ſhall, to all intents, be deemed collector within his diſtrict; and ſhall, in like manner, on giving ſecurity, and not otherwiſe, be intitled to receive the ſum preſented for collector's fees, as wages for his trouble; and the ſeveral conſtables in ſaid county are required to aid and aſſiſt collectors, deputy collectors, or high conſtable in collecting the publick money ſo preſented, as alſo all perſons impowered to levy publick money; which if any conſtable ſo required ſhall refuſe or neglect, every ſuch conſtable ſhall, upon conviction, by oath of two credible witneſſes, before any two juſtices of ſaid county, within their juriſdiction, forfeit for every ſuch offence, a ſum not exceeding ten pounds; levied, with the charges, by diſtreſs and ſale of goods of offender, by warrant of any two juſtices for ſaid county; and all perſons impowered to levy or collect publick money, ſhall and may levy by diſtreſs and ſale of goods and chattles of all ſuch, who refuſe or neglect to pay; and after ſale of ſuch diſtreſs, to retain the money which the perſon ought to pay, rendering the overplus, if any, after deducting one ſhilling in the pound for levying the ſame, or one ſhilling for every warrant.

on recognizance with two ſureties to collect and pay treaſurer;

may appoint deputies;

on neglect, the high conſtable collector,

and on ſecurity intitled to wages,

conſtables to aſſiſt levying publick money;

penalty 10l. publick money levied by diſtreſs and ſale.

XXIX. *ſect.* 29. If any collector appointed by grand jury of ſaid county ſhall happen to die, before he ſhall have collected the publick money, it ſhall be lawful for the juſtices at quarter ſeſſions, or any adjournment, to appoint another fit and proper perſon in the place of ſuch collector deceaſed, upon his giving ſecurity to perform the requiſites aforeſaid, until a collector appointed by a grand jury at the terms.

On collector's death one appointed at ſeſſions on ſecurity till grand jury appoint.

XXX. *ſect.* 30. It ſhall be lawful for the grand jury at Eaſter or Michaelmas term every year, by preſentment to raiſe ſuch ſum as they think fit, not exceeding ten pounds each of ſaid terms, making in the whole twenty pounds a year on ſaid county at large, for a ſecretary for drawing and entering preſentments, and attending ſuch grand jury during the terms; and to preſent any ſum not exceeding ten pounds at each of the quarter ſeſſions, to be paid to the clerk of peace, ſheriff and gaoler, for diſcharging priſoners without fees, who ſhall be recommended and preſented purſuant to an act of parliament now in being; and alſo any ſum not exceeding five pounds at each of ſaid quarter ſeſſions, making in the whole twenty pounds a year, to be paid to the clerk of peace for executing ſaid office.

20l. a year preſented for ſecretary 10l. each term;

not above 10l. each ſeſſions to clerk, ſheriff and gaoler, for diſcharging without fees;

not above 5l. a ſeſſion to the clerk.

XXXI. *ſect.* 31. Grand jury of ſaid county ſhall every year, at general quarter ſeſſion, appoint a proper perſon high conſtable for each of ſaid baronies in ſaid county, except ſaint Sepulchre's and Donore, and alſo four ſub-conſtables for each ſuch barony, to preſerve the peace at ſeſſions and elections, and at all times in ſaid county; and may, if they think proper, at Eaſter and Michaelmas terms, preſent any ſum, not exceeding eight pounds, to be raiſed upon

A conſtable for each barony yearly, 4 ſub-conſtables,

presentment not above 8l. on certificate of qualifying;

more constables for large parishes.

upon such barony, half barony, or division, to be paid to such four sub-constables for executing said office, by the treasurer upon producing to him a certificate from the clerk of peace, that they had, at some quarter sessions or adjournment thereof for said county, since appointment, duly qualified, agreeable to an act second queen Anne, *to prevent the further growth of popery*; and if any lordship, manor, or parish shall be so large, that one constable not sufficient to do the whole office, it shall be lawful to make two or more constables for such lordship, manor, or parish, in such manner as such one constable was formerly appointed; which new constables shall have such and the same power and authority as any other hath, or by law ought to have.

Affidavits, maps, &c. kept among county records;

copies of presentments and discharged queries delivered to treasurer; penalty 5l.

copies to overseers in ten days after application;

treasurer's warrants in a month to collector's;

XXXII. *sect.* 32. The clerk of crown, at the term, and of peace, at quarter sessions, shall file and keep amongst records of said county all affidavits, maps, plans, and estimates, pursuant to this act; and shall, within four days after Easter or Michaelmas term, and after the quarter sessions in every year, deliver to the treasurer, without fee or reward, copies of all presentments at said terms, and of all queries discharged, signed by himself; and for every default thereof, shall forfeit five pounds, recovered by any person who shall sue by civil bill; and the treasurer shall give copies of any such presentments, as he shall receive from the clerk of the crown, to any of the overseers mentioned in such presentment, or to their order on demand, within ten days after such overseer shall so apply to him, without fee or reward; and the treasurer shall, within one month after he shall have received such copies of presentments, issue warrants to the persons who under the provision in this act are to be collectors for levying and collecting the sums raised off each barony, in order to answer the presentment made at such term; which sums every person, to whom such warrant directed, is empowered and required to raise and levy, and to pay the treasurer on or before the second day of next

paid by second day of next term;

presenting term: and in case any person shall refuse to pay his or her proportion, such person as impowered to collect, shall and may levy the same by distress and sale of goods and chattles of such person, rendering the overplus, if any, after deducting twelve pence for each pound, for trouble in making such distress: and in every such warrant shall be inserted names of the manors, parishes, or denominations in that portion of the country, which such person is to collect from, as contained in the county book or table mentioned in this act, and also the whole sum to be collected by such person, and the portion each manor, parish, or denomination is to pay.

or distress and sale, fees 12d. per £.

names of parishes, &c. inserted in warrants,

the sum, and portion of each.

On replevin, &c. collectors may avow,

this act in evidence sufficient;

treble costs on nonsuit, &c.

grand juries may appoint to prosecute or defend.

XXXIII. *sect.* 33. In case any persons shall bring or cause to be brought, replevins, or other process of law, so as to prevent or obstruct the levying all or any part of the publick money under this act, the constable, or other collector, who shall distrain, shall be enabled to support such taking in due form of law by avowing on the authority of this act; and such avowant shall not be obliged to give any other matter in evidence on the trial in replevin, other than this act, and that he was so legally authorized to take such distress; and if plaintiffs in replevin, non-suited, or a verdict against them, or judgment on a demurrer, they shall pay treble costs; and grand juries at the terms shall have a power to appoint such persons as they think most proper, to conduct, prosecute, or defend such suits, as also to prosecute all treasurers, collectors, high or petty constables, or any other persons in any sort concerned in collecting or receiving publick money, or any part, or executors and administrators, or their sureties, or their executors and administrators.

XXXIV. *sect.*

XXXIV. *sect.* 34. Every collector, or perſon impowered to collect, to whom ſuch warrant ſent, ſhall, within ten days after receipt deliver, or cauſe to be delivered, to the ſeneſchal of ſuch manor, if reſident therein, or if not, or if no ſeneſchal, then to either of the church-wardens of each pariſh or denomination, or parcel of pariſh or denomination, or precinct of any liberty or juriſdiction mentioned in ſuch warrant, or if no ſuch church-wardens, or if they do not reſide therein, then to miniſter or curate of each pariſh, or denomination, or parcel of pariſh, or denomination in ſuch warrant, or if no ſeneſchal, church-wardens, miniſter, nor curate, or if none of them reſide therein, then to any principal reſiding inhabitant, whenever required ſo to do by any two landholders of any ſuch manor or denomination of land, or whenever he ſhall find it neceſſary, a fair tranſcript of ſuch warrant, ſigned by himſelf; at the bottom or on the back of which tranſcript he ſhall deſire the ſum required by ſuch warrant to be applotted equitably upon ſaid manor, pariſh, or denomination of land, or parcel of pariſh, or denomination, or precinct of any liberty or juriſdiction, according to applotment in the county book or table in this act; and the leaving ſuch tranſcript at the place of abode of, or delivering it to any ſeneſchal, or church-warden, miniſter or curate, or principal reſiding inhabitant, ſhall be atteſted by oath of the perſon leaving or delivering, and alſo by one credible witneſs; which oath any juſtice of ſaid county is required to adminiſter; and any perſon, to whom ſuch tranſcript delivered, is required to poſt up within ſix days, on the door of the church, or, if no church in which divine ſervice conſtantly performed, on any conſpicuous place in ſaid manor, pariſh, or denomination, a notice ſigned by himſelf, ſetting forth, [that the landholders and inhabitants of are hereby required to meet at on the day of to chooſe two or more perſons to applot the ſum of required to be levied upon the ſaid manor, pariſh, or denomination, by the warrant of the treaſurer of this county:] at which meeting, landholders and inhabitants preſent, ſhall chooſe two or more applotters; and the perſons ſo choſen ſhall applot the ſame, fully and juſtly, as ſoon as they conveniently can; and making two fair copies or tranſcripts of their applotment, ſhall make oath before any juſtice of ſaid county, which oath ſhall be recorded on the back or bottom of each copy or tranſcript, that they have made the ſaid applotment fully and juſtly, according to the beſt of their ſkill, without favour, affection, or malice; and ſhall, within thirty days after ſo choſen, deliver one of ſaid tranſcripts or copies of applotment, to collector or perſon impowered to collect, and depoſite the other in the hands of the perſon, or of executor or adminiſtrator of the perſon, by whom the notice of meeting had been poſted, under penalty of forfeiting every day they ſhall omit to deliver the ſame, after ſaid thirty days, ten ſhillings, recovered by civil bill at the quarter ſeſſions, by any perſon who ſhall ſue; and the collector or perſon impowered, on receiving ſuch full and ſufficient applotment, is required to levy ſaid money according thereto, and alſo ten ſhillings applotment fees, by diſtreſs and ſale of goods of every perſon refuſing to pay proportion applotted, rendering the overplus, if any, to owner: and in caſe no full and ſufficient applotment returned within thirty-ſix days after ſuch tranſcript of warrant left at uſual place of abode, or delivered to the ſeneſchal, church-warden, miniſter, curate, or principal reſiding inhabitant, and in caſe there ſhould have been an applotment before made under this act of ſuch manor, pariſh, or denomination, ſuch collector, or

Tranſcript of warrant delivered in 10 days by collector to ſeneſchal, if reſident, or church-wardens,

or miniſter or curate,

or to any principal reſident, when required by 2 landholders or when neceſſary, deſiring applotment;

oath of ſervice of one witneſs,

in 6 days notice of meeting poſted;

applotters then choſen;

2 copies of applotment on oath,

one in 30 days delivered to collector, the other to the perſon poſting notice; penalty 20s. a day, by civil bill at ſeſſions;

applotment levied accordingly, and 10s. fees, by diſtreſs and ſale;

if no full applotment in 36 days, levied by former applotment, if none, by the collector on his oath;

or perſon impowered to collect, may and ſhall levy the ſame according to ſuch applotment; but in caſe there ſhould have been no ſuch applotment made, ſuch collector or perſon impowered, may and ſhall applot ſuch ſum himſelf; and having made oath before any juſtice for ſaid county, that he hath applotted it juſtly, to the beſt of his ſkill, he may and ſhall collect the ſame from the landholders of ſuch manor, pariſh, or denomination, by diſtreſs and ſale of goods; and every applotment in conſequence of this act ſhall be delivered by the perſon who collected, according to the ſame, to be depoſited by the treaſurer among records of the county.

applotment delivered, and depoſited by treaſurer with the records.

XXXV. *ſect.* 35. It ſhall be lawful for any perſon aggrieved by the preſentment, to enter traverſe in open court, which traverſe ſhall be tried immediately, or next term or quarter ſeſſions, according as the preſentments ſhall have been made; and if the jury, who ſhall try ſhall not confirm ſuch preſentment, the money raiſed by preſentment, ſhall be re-preſented by the grand jury to ſome other work in the barony in which raiſed, if a barony charge, or in the county, if preſented on the county at large; provided ſuch traverſers give ſufficient ſecurity, before King's bench, to pay full coſts, in caſe the jury ſhall confirm preſentment, ſhall not ſtop the raiſing of ſuch money agreeable to the preſentment.

Traverſe tried immediately, or next term or ſeſſion;

re-preſentment to other work in the barony or county.

XXXVI. *ſect.* 36. Such traverſe may be tried upon entry of any preſentment in crown book, and the traverſe taken thereto, without making up any record.

Tried on entry without record.

XXXVII. *ſect.* 37. To prevent any future diſpute the following at all times hereafter conſidered, and declared to be, the real and authentick rule, by which ſaid county is to be aſſeſſed, and the treaſurer is required to iſſue his warrant purſuant to the ſame:

Table for aſſeſſment.

Barony of Upper-Croſs.

Tallaght, five thouſand one hundred and thirty five acres; Clondalkin pariſh, two thouſand and eighty acres; Clondalkin town, one thouſand and thirty eight acres; Rathcoole town, one thouſand two hundred and forty one acres; Rathcoole pariſh, one thouſand three hundred and fifty nine acres; part of Kevin's without, on the ſouth ſide of the circular road, one thouſand ſeven hundred and ninety acres; Ballymore-Euſtace, two thouſand acres; Milltown Dunlavin, one thouſand four hundred acres; Ballyboght, eight hudred and forty acres; Tipper-Cavan, one thouſand acres; Shankill, one thouſand and one acres; Dalkey, one hundred and fifty-eight acres. Total of the barony of Upper-Croſs, nineteen thouſand and forty-two acres.

Barony of Nether-Croſs.

Swords, three thouſand five hundred and thirty five acres; Finglaſs two thouſand and twenty three acres; Luſk, three thouſand ſeven hundred and eighty ſeven acres; Clonmelkin, two thouſand three hundred and thirty three acres; Portrane, ſeven hundred and five acres; town and liberty of Swords, one thouſand two hundred and twenty ſeven acres. Total of the barony of Nether-Croſs, thirteen thouſand ſix hundred and ten acres.

Barony

Barony of Newcaſtle.

Newcaſtle, two thouſand acres; Saggard, two thouſand acres; Kilmatalway, one thouſand five hundred acres; Eiſker, one thouſand five hundred acres; Rathfarnham, one thouſand two hundred acres; Lucan, one thouſand two hundred acres; Kilmainham, one thouſand two hundred acres; Ballyfarmot, five hundred acres; Palmerſtown, ſeven hundred acres; Cruah, one thouſand eight hundred acres; Crumlin, one thouſand two hundred acres. Total of the barony of Newcaſtle, fourteen thouſand eight hundred acres.

Barony of Balrothery.

Balrothery, three thouſand acres; Balſcaddan, one thouſand nine hundred and ninety-one acres; Holmpatrick, one thouſand and ſixty-three acres; Weſt Luſk, one thouſand eight hundred and forty-five acres; Eaſt Luſk, two thouſand five hundred and one acres; Ballydungan, four hundred and fifty acres; Naul, one thouſand four hundred and eleven acres; Weſtpalſtown, eight hundred and eighty-four acres; Ballymadun, one thouſand ſeven hundred and twenty-ſix acres; Garriſtown, two thouſand and ſeventy-two acres; Hollywood, two thouſand five hundred and ninety-nine acres; Ballyboghill, one thouſand eight hundred and ninety-two acres; Palmerſtown, eight hundred and fifty-one acres; Dunabate, one thouſand five hundred and ſixty acres. Total of the barony of Balrothery, twenty-three thouſand eight hundred and forty-five acres.

Barony of Rathdowne.

Moncktown, one thouſand two hundred and fifty-three acres; Donnybrook, ſix hundred and forty-eight acres; Tanee, two thouſand five hundred and ninety-one acres; Kill, two thouſand and thirty acres; Killany, five hundred and forty-two acres; Killgobbin, ſeven hundred and fifty acres; Old Conagh, ſeven hundred acres; Whitechurch, one thouſand five hundred acres; Rathmichael, four hundred and ſixty acres; Tallow, one thouſand five hundred and thirteen acres; Kilternan, four hundred and fifty acres. Total of the barony of Rathdowne, twelve thouſand four hundred and thirty-ſeven acres.

Barony of Caſtleknock.

Caſtleknock, three thouſand four hundred and ſixty-five acres; Malahodart, two thouſand one hundred and ninety-eight acres; Killſillaghan, one thouſand four hundred and forty-eight acres; the Ward, ſeven hundred and twenty-nine acres; Clonſillagh, one thouſand ſix hundred and fifteen acres; Cloghnan, three hundred and ſixty-two acres; Chappel-izod, two hundred and ninety-two acres. Total of the barony of Caſtleknock, ten thouſand one hundred and nine acres.

Barony of Coolock.

Killoſary, nine hundred acres; Kilbegh, five hundred acres; ſaint Margaret's, one thouſand one hundred and forty acres; Santry, two thouſand

three hundred and ſixty acres; Cloghran, nine hundred and ninety-four acres; Mallahyde, ſix hundred and ſix acres; Balgriffin, five hundred and forty acres; Portmarnock, one thouſand and twenty acres: Howth, one thouſand ſeven hundred and ſeventy-two acres; Rathenny, four hundred and forty acres; Coolock, one thouſand one hundred and ninety-nine acres; Grangegorman, four hundred and fifty acres; Clontarf, five hundred and thirty-five acres; Clonturk, eight hundred acres; Glaſſnevin, ſix hundred acres; Kingſalley, one thouſand three hundred and thirty-nine acres; Balldoyle, four hundred and fifty acres; Killeſter, one hundred and fifty acres; Artain, five hundred and fifty-ſeven acres. Total of the barony of Coolock, ſixteen thouſand one hundred and fifty-two acres.

Barony of St. Sepulchre's.

Patrick's-cloſe, four hundred and twenty-four acres; Kevin's within, three hundred and ſix acres; New-Street and Poddle, ſix hundred and forty-two acres; part of Kevin's without, to the north of the circular road, two hundred acres. Total of the barony of St. Sepulchre's, one thouſand five hundred and ſeventy-two acres.

Barony of Donore.

Donore, two thouſand eight hundred and ninety acres.

Overſeers to raiſe materials;

Overſeers appointed under this act, impowered to dig for, raiſe, and carry away any gravel, ſtones, ſand, or other materials, wanted for building, rebuilding, enlarging, or repairing any ſeſſions-houſe, gaol, work-houſe, bridge, gullet, pipe, or wall neceſſary for ſupport of any road, or for making, repairing, or preſerving any road, where ſuch overſeer ſhall judge moſt convenient, whether it be in ſaid county, or in an adjoining county; but it ſhall not be lawful for the overſeers of any road, bridge, or wall, to ſearch for, dig, raiſe, or carry away any gravel, ſtones, ſand, or other materials,

but not on beach, a road or bulwark,

(except ſuch looſe gravel, or other ſtones as may be thrown up in the tide) from any beach or ſea ſhore, which beach or ſea ſhore is a publick road, or a bulwark or defence to any towns, ground, or publick roads adjoining; and any perſon convicted thereof on oath of one credible witneſs, before

Penalty, 5s. a load;

one juſtice, within his juriſdiction, ſhall for every ſuch offence forfeit five ſhillings for every cart or car load of ſuch materials ſo dug, raiſed, or carried away, any thing in this act to the contrary notwithſtanding: and it ſhall be lawful to make drains, to carry off water that may injure any bridge,

may make drains, not through deer-park, &c.

gullet, pipe, wall, or road, in or through the lands of any perſon, not a deer-park, garden, orchard, haggard, or yard, or in the planted walk, avenue, or lawn to manſion-houſe; and ſuch overſeer ſhall make ſuch ſatisfaction,

damages aſſeſſed by 3 houſeholders ſworn to be appraiſers; recovered by civil bill;

recovered by civil bill at quarter-ſeſſions, againſt ſuch overſeer, in caſe of refuſal, to owner or occupier of the land, for what damage may be done by digging, raiſing, and carrying away ſuch gravel, ſtones and ſand, or other materials, or making ſuch drains, as aſſeſſed by three ſubſtantial houſeholders of ſaid county, one named by each of the parties, the third by the next or any neighbouring juſtice, who ſhall be ſworn by ſuch juſtice, to be appraiſers, and to make a true eſtimate of ſuch damages, according to beſt of their

their ſkill; if any perſons obſtruct or prevent ſuch overſeers in digging, raiſing, or carrying away ſuch materials, or making ſuch drains, ſuch perſon ſhall, upon conviction, by oath of one credible witneſs, before one juſtice for ſaid county, forfeit for every offence, a ſum not exceeding five pounds; levied, with the charges by diſtreſs and ſale of the goods, by warrant of one juſtice of ſaid county poſſeſſed of a clear yearly eſtate of one hundred pounds in ſaid county, in lands, tenements, and hereditaments.

obſtructing overſeers 5l.

on warrant of one juſtice of 100l. a year.

XXXVIII. *ſect.* 38. The eſtimate of ſuch damages as aforeſaid, made by the perſons appointed, and ſworn to by them before two juſtices of ſaid county, laid before the next grand jury, at Eaſter or Michaelmas term, who may preſent ſuch ſums as they think proper, not exceeding ſaid eſtimate, to be raiſed off the county at large, and paid to ſuch perſons by the treaſurer; and every ſuch overſeer may give notice to owner or occupier of land adjoining the roads he is appointed to overſee, to ſcour the drains or ditches, or to cut or clip the hedges of the ſides of ſuch roads, at a height not exceeding five feet; which if owner or occupier ſhall neglect ten days after ſuch notice, any juſtice of ſaid county, poſſeſſed of a clear yearly eſtate of one hundred pounds in ſaid county, in lands, tenements, or hereditaments, may, by warrant, order the overſeer to have ſaid drains or ditches effectually ſcoured, or hedges clipped; and authorize ſuch overſeer to levy the expences off the goods and chattels of ſuch owners and occupiers, with ſuch wages to overſeer as ſaid juſtices think fit, not exceeding eighteen pence each day ſaid overſeer be neceſſarily employed in attending and performing ſuch work: provided no ſuch notice be given during hay or corn harveſt.

Eſtimate of damages ſworn to before 2 juſtices laid before next grand jury; preſented;

notice to ſcour drains, and clip hedges to 5 feet;

on 10 days neglect done by overſeer on warrant of juſtice of 100l. a year;

expence levied with wages not above 18d a day; harveſt time excepted.

XXXIX. *ſect.* 39. If owner or occupier of any land or houſe adjoining any publick road, ſhall, after notice by the overſeer, or ſub-conſtable, or any other perſon, to remove any dung-hill, dirt, rubbiſh, or other nuiſance laid upon any part of ſaid road oppoſite to his land or houſe, or within twenty-one feet of the centre, or to make ſewers or pipes for free paſſage of water obſtructed by any ſtoppage in the ditch or drain of his land, or paſſing of cattle into his land or to his houſe from ſuch road, ſo as to injure ſuch road, forty-eight hours next after ſervice of ſuch notice perſonally or at his houſe or uſual place of abode, the overſeer, or ſub-conſtable, or any other perſon may complain of the refuſal or neglect, to any juſtice for ſaid county, having freehold in lands, tenements, or hereditaments, of the clear yearly value of one hundred pounds at leaſt, within ſaid county; and thereupon it ſhall be lawful for ſaid juſtice to iſſue warrant or ſummons, requiring the party ſo complained of, to appear at a certain place, within ſix days after ſervice, to anſwer ſaid complaint; and ſaid juſtice ſhall and may, in preſence of ſaid party, or in his abſence, if duly ſummoned, he, ſhe, or they refuſe or neglect to appear at the time and place appointed, examine into the matter of ſaid complaint; and if it ſhall be manifeſt to ſaid juſtice, upon ſuch examination, by confeſſion, or upon oath of one credible witneſs, that ſaid complaint was well founded, it ſhall be lawful for every ſuch juſtice, upon every ſuch offence, to fine the owner or occupier, in any ſum not exceeding twenty ſhillings for every day the ſame or any part thereof ſhall, after ſpace of forty-eight hours, be permitted to remain, and by warrant to levy by diſtreſs and ſale of the offender's goods; and the money ariſing by ſuch ſale, over and above ſaid fine, to pay to ſaid owner or occupier; and ſaid fine, ſaid juſtice ſhall apply in manner following, firſt to defray the expence of removing ſaid nuiſance,

Not removing nuiſance or making ſewers 48 hours after notice,

on complaint ſummons by a juſtice of 100l. a year to appear in 6 days;

fined not above 20s. a day,

to defray the expence,

nuiſance, and in making ſuch ſewers or pipes, and the reſidue to the miniſter and church-wardens of the pariſh, for uſe of the poor.

residue to poor of the parish.

XL. *Sect.* 40. Every perſon who ſhall build any houſe, except where a houſe now ſtands, or part of a houſe, within ſixteen feet of the centre of any road, except within the city of Dublin, or in market-towns, or keep any cur, maſtiff, or bull-dog, at any houſe within fifty yards of any road without having a block of wood of weight of five pounds at leaſt faſtened to the neck, or lay any turf, dung, dirt, ſtraw, rubbiſh, or ſcouring of any ditches or drains, or other filth, or any ſtones, or timber upon any part of any road, or within twenty-one feet of the centre, or ſteep or dry any flax, or burn any weeds or bricks within one hundred yards of any road, or build any lime-kiln within twenty-yards, or cut any turf, or make any turf-ſtack within twenty feet of the center, or ſhall pull down any part of any bridge, or injure any mile-ſtone or finger-poſt, or ſhall dig any pit, or make any ditch, or put up any ſign-poſt or May-buſh within twenty-five feet of the center, or ſhall leave any car or cart between ſun-ſet and ſun-riſe, on any part of any road through which travellers generally paſs, or which lead to any church or church-yard, without leaving a paſſage of twenty one feet at leaſt in the clear, or winnow any corn on any part of any road, or alter any road, not being authorized by due courſe of law, or leave the carcaſe of any dead beaſt, or ſkin of any dead beaſt on any road or within one hundred yards of the centre, or ſhall lead or drive any car or cart with timber, boards, or iron laid croſs-ways, which ſhall project beyond either ſide, or turn the courſe of any water upon any road, ſo as to injure it, or ſcrape the gravel off, ſhall upon conviction, by oath of one credible witneſs, before any juſtice of ſaid county, or ſeneſchal of any liberty, where ſuch offence committed, or upon the view of ſuch juſtice or ſeneſchal, for every offence forfeit a ſum not exceeding ten ſhillings, levied by diſtreſs and ſale of goods, by warrant of any one juſtice for ſaid county: and if any perſon ſhall draw any mill-ſtone on any road, without ſupporting by a carriage on wheels, ſuch perſon ſhall, upon conviction by the oath of one credible witneſs before one juſtice ſo ſaid county, forfeit not exceeding forty ſhillings, levied by diſtreſs and ſale of goods, by warrant of one juſtice for ſaid county having freehold in lands, tenements, and hereditaments of clear yearly value of one hundred pounds at leaſt within ſaid county; and if any perſon ſhall draw any ſlide car, or timber, boards, or ſticks, without ſupporting the ends on a carriage on wheels of breadth of three inches at leaſt, on any road made or repaired with money granted by the grand jury, ſuch perſon ſhall, upon conviction, by oath of one credible witneſs, before one juſtice having freehold of clear yearly value of one hundred pounds at leaſt within ſaid county, within his juriſdiction, or upon view of ſuch juſtice, forfeit not exceeding five ſhillings, levied by diſtreſs and ſale of goods, by warrant of ſuch juſtice, and alſo ſuch ſlide-car, timber, boards, or ſticks, to the perſon who ſhall ſeize; and two juſtices, within their juriſdiction, having each freehold of clear yearly value of one hundred pounds at leaſt within ſaid county, may, by warrant, order any houſe, or part of a houſe, or lime-kiln, hereafter built contrary to intent of this act to be pulled down, or any dog kept contrary to be killed, or any pit or ditch filled up or levelled, or any wall thrown down hereafter made or built contrary to this act, as alſo the neceſſary expence attending, levied by diſtreſs and ſale of goods or chattles, and

Building within 16 feet of centre, except in towns; dogs within 50 yards without 5lb. block,

rubbiſh, ſtones, or timber within 21 feet of centre,

burning weeds or bricks 100 yards, kilns 20 yards, turf 20 feet of centre,

injuring bridge, ſtones or poſts, pits, ſigns, may-buſhes,

cars left by night,

winnowing corn,

dead beaſts, or the ſkins,

boards or irons croſs ways,

turning water,

ſcraping gravel, penalty, 10s.

drawing millſtone, without wheels, 40s.

ſlide-cars, boards, or ſticks without wheels of 3 inches, 5s. and the car, &c.

2 juſtices of 100l. a year may order buildings or kilns to be pulled down, &c. dogs killed; any perſon may carry away rubbiſh, &c and kill dogs.

and any perſon may take and carry away all ſuch turf, dirt, dung, ſtraw, or rubbiſh, corn, filth, ſcouring of ditches, or drains, or ſtones, as he ſhall find upon any part of any road, or within twenty-one feet of the centre, and apply to his own uſe, and kill any dog kept contrary to this act, without being ſued or proſecuted.

Laying filth, &c. for manure within 3 miles of Dublin, 1 of Swords and Newcaſtle, without ſufficient lime or earth, 40s.

XLI. *ſect.* 41. Every landholder or occupier, who ſhall lay, cauſe, or ſuffer to be laid, upon his land, within three miles of Dublin, or one mile of Swords and Newcaſtle for manure, or any other purpoſe, any filth, offals, or blood, ſcraping of ſlaughter-houſes or ſhambles, or emptying of privies, without immediately covering with ſuch quantities of lime or earth, as ſufficient to prevent any annoyance therefrom, ſhall, upon view of any juſtice having freehold of clear yearly value of one hundred pounds at leaſt within ſaid county, within his juriſdiction, or upon information of one credible witneſs upon oath, forfeit forty ſhillings for every ſuch offence, levied by diſtreſs and ſale of goods and chattles, by warrant of ſuch juſtice, under hand and ſeal. And to prevent inconveniencies to inhabitants of Dublin, by ſcavengers laying their dirt; any perſons, who ſhall lay any filth or dirt, ſo collected from the ſtreets of ſaid city or liberties, nearer than two hundred yards to any road within two miles of the caſtle, or nearer than twenty-one feet of the centre of any road, at a greater diſtance than two miles from the ſame, ſhall, upon view of any juſtice, or ſeneſchal of ſaid liberties, having freehold of clear yearly value of one hundred pounds at leaſt within ſaid county, within reſpective juriſdictions, or upon information of one witneſs upon oath, forfeit five ſhillings for every cart or other load ſo laid down; levied by diſtreſs and ſale of goods and chattles, by warrant of any ſuch juſtice under hand and ſeal: Provided, where any fields or gardens are nearer than a mile of the publick lamps, the owner or occupier ſhall be at liberty to lay down, within the ſame, ſo much of ſcavenger's dirt, as ſufficient to manure the ſame for one year, without incurring the penalty aforeſaid.

laying ſcavenger's dirt within 200 yards of a road 2 miles from the caſtle, or if above 2 miles, 21 feet from the centre, 5s. a load;

except manure for 1 year for fields or gardens within 1 mile of the lamps.

General iſſue, &c.

XLII. *ſect.* 42. If any perſon ſued, moleſted, or troubled for putting in execution any of the powers in this act, or doing any act purſuant thereto, ſuch perſon ſhall and may plead general iſſue, and give the ſpecial matter in evidence; and if plaintiffs nonſuited, and judgment againſt them upon demurrer or otherwiſe, or a verdict for defendants, or a diſmiſs upon a civil bill, ſuch defendants ſhall have treble coſts, recovered by ſuch method, as where by law coſts given to defendants; and the ſolemn affirmation or declaration of a quaker ſhall be adjudged of ſame force and effect, to all intents, whereby this act an oath required, as if ſuch quaker had taken an oath in form preſcribed, or in uſual form.

treble coſts on nonſuit, &c.

quaker's affirmation equal to oath,

Juſtices to act and adminiſter oath; penalty to informers and the infirmary;

not paying committed not above 3 months.

XLIII. *ſect.* 43. Juſtices of peace are authorized to put this act into execution, and to adminiſter the ſeveral oaths before directed, within their reſpective juriſdictions; and one moiety of all forfeitures and pecuniary penalties inflicted, and not otherwiſe applied, ſhall be paid to informer with full coſt, the other to the treaſurer of the county infirmary, for benefit of ſuch infirmary; and if any perſon convicted of any offence, not able to pay the penalty, it ſhall be lawful for the juſtice or juſtices before whom convicted, to ſend to the work-houſe, or houſe of correction of ſaid county, to remain at hard labour for ſuch time as ſaid juſtices think proper, not exceeding three months.

Saving liberties of St. Sepulchre's and Donore,

XLIV. *ſect.* 44. Nothing herein ſhall extend to break in upon, prejudice, or leſſen in any manner whatſoever, the juriſdiction, powers, franchiſes, rights,

rights, or privileges belonging to, or heretofore exerciſed by archbiſhop of Dublin, in and throughout his liberty of Saint Sepulchre's, or by the earl of Meath in his liberty of Donore, and the ſeveral parts thereof, which are in ſaid county Dublin, but they ſhall be and remain as free and in as full force, to all intents, as if this act never made; any thing herein to the contrary notwithſtanding.

Perjury or forgery puniſhed.

XLV. *ſect.* 45. Every perſon, guilty of wilful and corrupt perjury, or falſe affirming, or forging or counterfeiting the name of any juſtice, and convicted by due courſe of law, ſhall incur the pains and penalties by law enacted againſt wilful and corrupt perjury.

Preſentments under the repealed act accounted for.

XLVI. *ſect.* 46. All preſentments made, or money to be levied, accounted for and paid in conſequence of thoſe parts of the act hereby repealed, ſhall be levied, accounted for, and paid in manner preſcribed thereby (or by this act) ſubject to the rules, proviſoes, and regulations therein or herein contained.

Table of applotment to be made & preſented.

XLVII. *ſect.* 47. After the firſt of May next the grand jury of king's bench, impannelled and ſworn for the county of city of Dublin, ſhall, and are required, at Michaelmas term every third year, or oftener, if neceſſary, to take an exact account of miniſters money chargeable upon the ſeveral inhabitants in their ſeveral pariſhes, and from thence form a table of applotment of the proportion every pariſh bears to each other; and when ſo regulated, ſhall, if they think proper, preſent the ſame as a regular and fit table for applotting publick money; which table, when ſo formed and preſented, ſhall, and is hereby appointed a table for applotting the publick money.

City treaſurer to aſſeſs thereby in Mar. and Sept.

XLVIII. *ſect.* 48. The treaſurer of publick money of ſaid city, ſhall, in March and September every year, by ſaid table, applot and aſſeſs on inhabitants of the ſeveral pariſhes in ſaid city and county of city, ſuch publick money as ſhall be raiſed by grand juries of king's bench, or quarter ſeſſions,

and inſert in warrants the uſes, ſigned by lord mayor; delivered to church-wardens.

and inſert in warrants ſaid applotment and aſſeſſments, and the uſes for which reſpectively raiſed; which warrants the lord mayor is impowered and required to ſign, and direct and cauſe the ſame to be delivered to church-wardens of the pariſhes of ſaid city, as for time immemorial accuſtomed.

Miniſter and church-wardens in a month after warrant to convene veſtries for aſſeſſing, or fined 50l.

XLIX. *ſect.* 49. The miniſter, church-warden and church-wardens of pariſhes of ſaid city, ſhall and are required, within one month after receipt of ſuch warrants, in uſual manner, to convene a veſtry of inhabitants of reſpective pariſhes for applotting and aſſeſſing upon the ſolvent inhabitants their proportion of ſaid publick money; and if ſaid miniſter, church-warden and church-wardens neglect or refuſe to convene ſuch veſtry, it ſhall be lawful for judges of king's bench to fine ſuch miniſter, church-warden or church-wardens, not exceeding fifty pounds;

not aſſembling or applotting, pariſh fined 100l.

and in caſe the miniſter, church-wardens, or pariſhioners refuſe to aſſemble after due notice given, or, when aſſembled, neglect or refuſe to applot the proportion ſuch pariſh is to bear of the publick money, it ſhall be lawful for judges of king's bench to fine ſuch pariſh not exceeding one hundred pounds.

Church-wardens in 10 days after veſtry to appoint collectors,

L. *ſect.* 50. When and ſo often as ſaid publick money is applotted and aſſeſſed, by ſaid veſtries, upon ſolvent inhabitants within their diſtricts, every church-warden and church-wardens, within ten days after ſuch veſtry, ſhall direct and appoint one or more perſons of ſaid pariſhes reſpectively to collect the ſame; and ſaid pariſhes may allow ſuch perſons any ſum not exceeding

ceeding ſix pence in the pound for collecting, to be raiſed off the inhabitants of ſaid pariſhes, as pariſh taxes are now raiſed on ſaid pariſhes; and the conſtables of ſaid pariſhes reſpectively, are required to aid and aſſiſt ſuch perſons in collecting; every ſuch conſtable refuſing, ſhall, upon conviction, by oath of two credible witneſſes, before any two juſtices of the county of the city of Dublin, forfeit for every ſuch offence a ſum not exceeding ten pounds, levied with charges by diſtreſs and ſale of goods, by warrant of any two ſuch juſtices; one moiety to informers, the other to the miniſter and church-wardens, for uſe of poor of the pariſh in which ſuch offence committed.

allowance 6d. per l. raiſed as pariſh taxes, conſtables to aſſiſt:

refuſing, forfeit 10l.

to informer and poor.

LI. *ſect.* 51. All perſons impowered to levy or collect publick money in county of the city, ſhall and may, by diſtreſs and ſale of goods and chattles of all ſuch perſons, who refuſe to pay their proportion, levy the ſame, and after ſale of ſuch diſtreſs, retain the money ſaid perſons ought to pay, rendering overplus (if any) to owner, after deducting twelve pence in the pound for levying; and ſaid collectors, and the conſtables, ſhall within their reſpective limits collect, by warrant under hand and ſeal of lord mayor (which warrant the lord mayor is impowered to grant) the ſeveral ſums ſo preſented and applotted, and ſhall pay in the ſaid ſums to ſaid church-warden or church-wardens, to be paid over to ſaid treaſurer, before the term next enſuing the times the publick money ſhall be ſo applotted; and ſaid treaſurer ſhall every term make up his accounts upon oath, of all the receipts and payments of ſaid publick money ſo received and paid by him, and return and lay ſaid accounts, fairly written, with affidavit of ſaid treaſurer at the foot, before one of the judges of king's bench, without fee, verifying the truth of ſuch accounts, on the firſt day of every term, before grand jury of ſaid city, to be viewed, allowed, or diſapproved of by ſaid grand jury; and ſaid grand jury ſhall cauſe the ſame to be entered in the book of the county of ſaid city, with ſuch obſervations as they think fit; and for wilful default of ſuch return, it ſhall be lawful for judges of king's bench to fine ſuch treaſurer, not exceeding one hundred pounds.

Refuſing to pay, levied by diſtreſs & ſale;

fee 12d. per l.

collected by lord mayor's warrant;

paid to church-wardens, by them to treaſurers before next term;

treaſurers every term to account on oath, and lay before grand jury with affidavit,

entered,

on default fined 100l.

LII. *ſect.* 52. If any conſtable ſhall neglect, or refuſe to collect the ſums ſo preſented or applotted, or to pay in the ſame to ſaid church-wardens, or if ſuch church-wardens neglect, or refuſe to pay in the ſums paid unto them by ſuch conſtables to the treaſurer of ſaid city, it ſhall be lawful for judges of king's bench to fine ſuch conſtables or church-wardens, in ſuch ſums as to ſaid judges ſhall ſeem proper, not exceeding the ſums ſuch conſtables or church-wardens ſhall, by the ſaid warrants of the ſaid lord mayor of the ſaid city for the time being be appointed reſpectively to collect and receive, and to commit the ſaid ſeveral offenders in execution for the ſame.

Conſtables or church-wardens neglecting fined.

LIII. *ſect.* 53. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and all other perſons without ſpecially pleading.

A publick act.

Highways.

I. *Stat.* 5 *Geo.* 3. *cap.* 14. *ſect.* 1. *Whereas difficulties ariſe from the multiplicity of the laws heretofore made for the amending or repairing the highways or roads in this kingdom, and it is found expedient to repeal the ſame, and to make a new*

new act containing all the parts of ſuch laws as have proved effectual, and are proper to be continued, with ſuch additions and amendments as are herein after contained: it is therefore enacted, that an act paſſed in the eleventh year of the reign of king *James* the firſt, *for repairing and amending of highways and cauſeys, and cutting or clearing of paces.*

The act, 11 J. 1. c. 7.

10 C. 1. ſ. 2. c. 26. (2) Alſo an act paſſed in the tenth year of the reign of king *Charles* the firſt, *concerning the repairing and amending of bridges, cauſeways, and toghers in the highways.*

4 Ann. c. 6. (3) Alſo an act paſſed in the fourth year of the reign of queen *Anne, to prevent the illegal raiſing of money by grand juries, and the miſapplying of money legally raiſed.*

9 Ann. c. 9. (4) Alſo an act paſſed in the ninth year of the reign of queen *Anne, for the amending of the highways and roads in this kingdom, and for the application of the ſix days labour.*

6 G. 1. c. 10. (5) Alſo ſo much of an act paſſed in the ſixth year of the reign of king *George* the firſt, *for the better regulating the pariſh watches, and amending of the highways in this kingdom, and for preventing the miſapplication of publick money,* as relates to the amending the highways in this kingdom, and to the preventing the miſapplication of publick money.

1 G. 2. c. 3. (6) Alſo an act paſſed in the firſt year of the reign of his late Majeſty king *George* the ſecond, *for the more ſpeedy and effectual repair of bridges in the ſeveral counties of this kingdom.*

1 G. 2. c. 13. (7) And alſo another act paſſed in the firſt year of the reign of his late Majeſty king *George* the ſecond, *for explaining and amending ſeveral laws made for amending the highways and roads in this kingdom, and for the application of the ſix days labour.*

13 G. 2. c. 10. (8) Alſo an act paſſed in the thirteenth year of the reign of his late Majeſty king *George* the ſecond, *to explain and amend an act paſſed in the ſixth year of the reign of his late Majeſty king* George *the firſt*, for the better regulating the pariſh watches, and amending the highways in this kingdom, and for the preventing the miſapplication of publick money.

33 G. 2. c. 8. Alſo an act paſſed in the thirty third year of the reign of his late Majeſty king *George* the ſecond, *to alter and amend the laws for the repair of highways.*

3 G. 3. c. 7. Alſo an act paſſed in the third year of the reign of his preſent Majeſty, *for regulating the proceedings of grand juries in the preparing and forming of preſentments for the levying of money.*

3 G. 3. c. 8. Alſo another act paſſed in the third year of the reign of his preſent Majeſty, *for amending an act*, to explain and amend an act paſſed in the ſixth year of the reign of his late Majeſty king *George* the firſt, intitled, *an act for the better regulating the pariſh watches, and amending the highways in this kingdom, and for preventing the miſapplication of publick money*; be repealed and made null and void.

repeal.

II. *ſect.* 2. *And for the more effectually repairing the publick roads, or for making of new roads, where neceſſary in this kingdom:* it is enacted, that it ſhall be lawful for the grand jury of any county, at the aſſizes, or for the grand jury of the county of Dublin, in Hillary and Trinity terms, every year, to preſent ſuch ſums of money as they ſhall think fit, upon any baronies in ſuch county, for the repairing old roads, or making new roads through ſuch baronies, and alſo for the wages of the overſeers of every ſuch

Preſentments upon baronies.

such road, not exceeding three pence for each perch, to be by him repaired according to this act.

III. *sect.* 3. Provided that no money shall be so presented for the repairing any old road, unless an affidavit shall be previously made by two credible persons who can read and write, before one of the Judges of assize, or before two justices of the peace for the said county, or before one of the judges of his Majesty's court of King's bench, if for the county of Dublin, who are hereby empowered to administer the same in the following form. Repairing old roads.

County of } A. B. *of* *and* C. D. *of* *do swear that* Affidavit.
they have lately viewed and measured *perches of the road*
from *to* *between* *and* *all in*
the barony of *in the said county, and that it will require the sum*
of *sufficiently to repair and make the said* *perches*
feet wide, with stones and gravel, being at the rate of
by the perch, which they verily believe is the least the said
perches can be sufficiently repaired for.

Which affidavit the clerk of the crown of such county is hereby required to file and keep among the records of such county.

IV. *sect.* 4. And no money shall be paid on account of any such presentment by the treasurer of any county, until the affidavit of one of the overseers appointed by the grand jury, sworn before one of the judges of assize or judges of the court of king's bench, and in the following form, shall be allowed by the grand jury, and by the judges of assize or court of king's bench. Payment of money.

County of } *Whereas the sum of* *was presented by the grand jury* Affidavit.
of the said county of *at* *in the year*
to be expended in repairing *perches of the road from*
to *between* *and* *being at the rate of*
by the perch. Now I *of* *one of the*
overseers appointed by the grand jury for the said road, do swear that I have
faithfully and honestly expended the sum of *in repairing*
perches of the said road, and that the said *perches were effectually*
repaired by me as aforesaid, which sum, with my wages at
a perch, amounts in the whole to the sum of *and that every part of*
the said road, which hath been so repaired, hath been made fourteen feet wide at
the least, with stones or gravel, and is twenty one feet wide in the clear, within
the ditches, drains, or fences.

Which affidavit the clerk of the crown for the county where the same shall be made, is hereby required to file and keep amongst the records of the said county.

V. *sect.* 5. No money shall be so presented for the making any new road, unless an affidavit be first made by two credible witnesses, who can read and write, sworn before two justices of the peace for the county where the road to be made lies, who are hereby empowered to administer the same, or before one of the judges of assize, or judges of the court of king's bench, which affidavit shall be in the following form. Making new roads.

Affidavit.

County of } A. B. *of* and C. D. *of* *do ſwear that they have lately viewed and meaſured* *perches of a new road lately laid out from* *to* *between* *and all in the barony of* *in the ſaid county, and that it will require the ſum of* *to make the ſaid* *perches of road thirty feet wide in the clear, and fourteen feet wide at the leaſt, with ſtones or gravel, being at the rate of* *by the perch, which they verily believe is the leaſt the ſaid* *perches can be ſufficiently made for.*

Which affidavit the clerk of the crown for the county where the ſame ſhall be made, is hereby required to file and keep amongſt the records of the ſaid county.

Payment of money.

VI. *ſect.* 6. And no money ſhall be paid on account of any ſuch preſentment, by the treaſurer of any county, until the affidavit of one of the overſeers appointed by the grand jury, ſworn before one of the judges of aſſize or judges of the court of king's bench, and in the following form, ſhall be allowed by the grand jury, and by the judge of aſſize, or judge of the court of king's bench.

Affidavit.

County of } *Whereas the ſum of* *was preſented by the grand jury of the ſaid county at* *in the year* *to be expended in making* *perches of the road from* *to* *between* *and* *being at the rate of* *by the perch. Now I* A. B. *of* *one of the overſeers appointed by the ſaid grand jury, do ſwear, that I have faithfully and honeſtly expended the ſum of* *in making* *perches of the ſaid road, and that the ſaid* *perches were effectually made by me, as aforeſaid; which ſum, with my wages, at* *per perch amounts to* *and that the ſaid* *perches are made fourteen feet wide at the leaſt, with ſtones or gravel, and are thirty feet wide in the clear within the drains, ditches, or fences.*

Which affidavit the clerk of the crown for ſuch county, is hereby required to file and keep amongſt the records of the ſaid county.

Breadth of roads,

VII. *ſect.* 7. If it ſhall appear to the grand jury of any county at the aſſizes, or to the grand jury of the county of Dublin in Hillary or Trinity term, by the affidavit of two credible perſons, who can read and write, ſworn before two juſtices of the peace, who are hereby empowered to adminiſter the ſame, or before one of the judges of aſſize, or one of the judges of the court of king's bench, that any old road in ſuch county is not twenty one feet wide in the clear of drains, ditches, or fences, except where ſuch road is encloſed on each ſide by walls five feet high, or more, built with lime and ſtones, or bricks, in ſuch caſe, ſuch grand jury is hereby empowered to preſent ſuch old road to

widening roads.

be widened to the breadth of twenty one feet in the clear, within the drains, ditches, or fences: and alſo ſuch ſums of money as ſhall appear to them by the affidavit of two credible perſons who can read and write, ſworn as before, to be neceſſary to widen ſuch road, and to make fences inſtead of thoſe that ſhall be taken down or deſtroyed, in order to widen ſuch road upon the barony in which the ſaid road is.

VIII. *ſect.*

VIII. *ſect.* 8. And it ſhall be lawful for the grand jury of any county at the aſſize, and for the grand jury of the county of Dublin, in Hillary or Trinity terms, at the requeſt of any perſon, by preſentment, in which ſuch perſon's name ſhall be inſerted, to lay out new roads in more convenient lines from market-town to market-town, or from any market-town directly to the ſea, through the reſpective counties: and to deſcribe and aſcertain the lands and places through which ſuch new roads ſhall be made; maps of which roads ſhall be left with the clerk of the crown, to be kept amongſt the records of the ſaid county. Laying out roads.

IX. (2) Provided that no part of ſuch road ſhall be made through the deer-park of any perſon, or through any field incloſed with a wall five feet high, or more, built with lime and ſtones, or bricks, or through the houſe, offices, gardens, or orchards of ſix years growth, of any perſon who inhabits a houſe built with lime and ſtones, or bricks, unleſs the conſent of ſuch perſon be firſt obtained. Exceptions.

X. (3) And provided it ſhall firſt appear to the grand jury, and to the judge of aſſize, and court of king's bench, that notice hath been given to the treaſurer of ſuch county in writing, and poſted upon the door of the county court-houſe, by him, or ſome perſon employed by him, ſeven days at leaſt previous to the aſſizes or ſeſſions aforeſaid. Notices.

XI. (4) Which notice ſhall be ſet forth that an application is intended to be made to the grand jury of ſuch county, for a preſentment to make a new road through the lands of diſtinguiſhing each townland, and the barony through which the ſaid new road is to be made; and alſo that another ſuch notice hath been left with the owner or occupier of the land, through which ſuch new road is to be made, or at the houſe of ſuch owner or occupier, at leaſt twenty one days previous to the aſſizes or ſeſſions aforeſaid; and that a map of ſuch new road hath been alſo left with the treaſurer along with ſuch notice, in order that ſuch map may be inſpected by any perſon whom it may concern. Occupiers of lands. Map of new road.

XII. *ſect.* 11. And if the owner or occupier of any part of the land through which ſuch new roads are intended to be made, or any freeholder of the county ſhall think himſelf or herſelf aggrieved by ſuch preſentment, ſuch owner, occupier, or freeholder, may enter one or more traverſes to ſuch preſentment; which traverſes ſhall be tried at the next aſſizes or ſeſſions aforeſaid, unleſs good cauſe be ſhewn to the contrary; and the jury to try the ſame ſhall aſſeſs fitting damages to the owner or occupier for the loſs to be ſuſtained thereby, which verdict ſhall be concluſive to ſuch owner or occupier. Traverſe of preſentments. Trials by a jury.

XIII. (2) And on payment of ſuch damages as ſhall be found by ſuch jury, or on the ſame being lodged with the treaſurer of the county for the uſe of ſuch owner or occupier, the overſeers of ſuch new road may begin and finiſh the ſame, without the interruption of any perſon. Payment of damages.

XIV. *ſect.* 12. And it ſhall be lawful for the grand jury of ſuch county, by preſentment, to raiſe the ſum ſo aſſeſſed for damages; and all ſuch ſums of money, as ſhall appear by the affidavit of two credible perſons, who can read and write, ſworn as before, to be neceſſary to fence the land on each ſide of ſuch roads, upon the county at large, or upon the baronies through which ſuch new road is to be made, if they think fit. Preſentment for damages.

XV. (3) Provided ſuch ſum for making ſuch fences, ſhall not exceed twelve pence for each perch of ſuch fence. Fences.

Diviſions of baronies.

XVI. From henceforth no money ſhall be raiſed by preſentment of grand juries on any entire barony, for the repair of the roads thereof, where ſuch barony is ſeparated into diviſions in the county books, but the roads in each diviſion to be repaired or amended, ſhall be a particular charge by the preſentment of grand juries on that diviſion, and not on the barony at large.

Stopping old roads.

XVII. *ſect.* 13. And the grand jury of any county may preſent any old road, or any part thereof to be ſtopped, where any road has been or ſhall be made, which ſhall anſwer all the purpoſes of ſuch old road, except ſuch old roads, concerning which ſuits are now depending, either in law or equity.

Traverſe.

XVIII. (2) Provided, that it ſhall be lawful for any perſon who ſhall think himſelf or herſelf aggrieved by ſuch preſentment, for ſtopping up any old road, to traverſe ſuch preſentment at the next aſſizes, or at the ſecond aſſizes after, or if in the county of Dublin, in the next term, or in the ſecond term after ſuch preſentment ſhall be made, and ſuch traverſe ſhall be tried by a jury.

Confirming preſentments.

XIX. (3) And in caſe ſuch preſentment ſhall not be traverſed, or if traverſed, a verdict ſhall be found for the preſentment, ſuch preſentment ſhall be confirmed.

Bridges and walls.

XX. *ſect.* 14. And it ſhall be lawful for the grand jury of any county, at the aſſizes, or for the grand jury of the county of Dublin, in Hillary or Trinity term, by preſentment to raiſe ſuch ſums of money, as they ſhall think fit, upon ſuch county at large, for the building, rebuilding, or repairing any bridge or part of a bridge, or any wall or part of a wall neceſſary to the ſupport of any road in ſuch county.

Affidavit and eſtimate.

XXI. (2) Provided that no money ſhall be ſo preſented by any grand jury, unleſs it ſhall appear by the affidavit of two credible maſons, ſworn as before is mentioned, that the ſum therein ſet forth, is a reaſonable charge, to the beſt of their judgment, and that the work therein contained is neceſſary, and cannot be effectually done for a ſmaller ſum, according to the plan and eſtimate annexed to ſuch affidavit, to the beſt of their judgment.

Affidavit of overſeers.

XXII. (3) And no money ſhall be paid by the treaſurer of any county, on account of any ſuch preſentment, or on account of any preſentment for the widening of roads, until it ſhall appear to the grand jury, and to the judge of aſſize, or court of king's bench, by the affidavit of one of the overſeers appointed by the grand jury, ſworn before one of the judges of aſſize, or court of king's bench, that the ſum ſo preſented hath been faithfully and honeſtly expended in the execution of the work, for which ſuch money was granted by ſuch preſentment, to the beſt of his ſkill and judgment; and until the ſaid account hath been allowed by the grand jury, and by the judge of aſſize, or court of king's bench.

Repairing bridges.

XXIII. *ſect.* 15. And any two juſtices of the peace of any county in this kingdom, each having an eſtate of freehold in lands, tenements, or hereditaments, of the clear yearly value of one hundred pounds at leaſt, within ſuch county, may, under their hands and ſeals, order any ſum, not exceeding five pounds, to be expended in repairing any bridge within ſuch county, which may be ſuddenly damaged, and which ought to be repaired by the ſaid county.

Affidavit.

XXIV. (2) Provided it ſhall appear to them, by the affidavit of two credible perſons who live in the neighbourhood of, and have viewed ſuch bridge, that the repair of ſuch bridge cannot be delayed to the next aſſizes, or

to

to the next quarter ſeſſions if in the county of Dublin, without prejudice to the county (as they verily believe); which affidavit the ſaid two juſtices are hereby impowered to take; and the ſaid juſtices may alſo appoint proper overſeers to repair the ſame.

XXV. *ſect.* 16. And the grand jury for every ſuch county are hereby impowered and required to raiſe by preſentment, the ſum ſo expended in repairing any ſuch bridge, upon any ſuch county at large, to be paid to the overſeers appointed by ſuch juſtices, upon their producing to ſuch grand jury, ſuch affidavit as is before mentioned; and ſuch warrant, under the hands and ſeals of the ſaid two juſtices, as alſo an affidavit, ſworn by one or more of ſuch overſeers, before the judge of aſſize, or court of king's bench, or before two juſtices of the peace for ſuch county, that they have faithfully and honeſtly expended the ſum ſpecified in ſuch affidavit, in repairing ſuch bridge. Preſenting for repairs.

XXVI. *ſect.* 17. And any juſtice of the peace, qualified as aforeſaid, upon the affidavit of two ſubſtantial houſeholders, may, in like manner, order any ſum of money not exceeding forty ſhillings, to be expended in repairing any breach or bad ſtep which may happen in any road by a ſudden fall of rain, or other accident, and may appoint an overſeer to repair the ſame. Breaches in roads.

XXVII. *ſect.* 18. And the grand juries of every county are hereby impowered and required to raiſe by preſentment, upon the barony in which ſuch road is, the ſum ſo expended, on ſuch overſeers performing ſuch requiſites as the above mentioned overſeers of bridges are required to perform. Charge on the barony.

XXVIII. *ſect.* 19. Provided that no juſtice of the peace ſhall make above one ſuch order for any road between aſſizes and aſſizes, under a penalty of ten pounds, to be recovered by civil bill at the aſſizes, by any perſon who will ſue for the ſame; one moiety thereof to go to the perſon who will ſue for the ſame, the other to the poor of the pariſh. One order only.

XXIX. *ſect.* 20. Provided that whenever it ſhall happen that any ſum of money, preſented to be raiſed by any grand jury for the making or repairing of any road or bridge, ſhall not or cannot be expended agreeably to ſuch preſentment, and accounted for within a reaſonable time after ſuch preſentment was made, that then it ſhall be lawful for the grand jury of the ſaid county to preſent ſuch ſum of money, then in the treaſurer's hands, to be expended in the making or repairing of any road or bridge in the baronies upon which the former ſum was preſented to be raiſed, or in the county, if it was raiſed upon the county at large. Money not expended.

XXX. *ſect.* 21. And it ſhall be lawful for any perſon who now have, or ſhall hereafter have, any ferry over any river, to erect and ſupport a bridge at their own expence, over ſuch river in the place of ſuch ferry, and to take and receive for paſſing ſuch bridge, ſuch toll and no more, as they are intitled to receive for paſſing ſuch ferry. Bridges inſtead of ferries.

XXXI. (2) Provided that nothing herein contained ſhall extend to ferries in cities or towns corporate. Exception.

XXXII. *ſect.* 28. It ſhall be lawful for the overſeers of any road, bridge, or wall, appointed by the grand jury of the county, or by any turnpike board, to dig and raiſe any gravel, ſtones, ſand, or other materials which may be wanted for the building, rebuilding, making or repairing of any bridge, road, or wall, neceſſary to the ſupport of any road, and to make drains in order to carry off any water that may hurt any ſuch roads or bridges, in or through the lands Digging materials.

lands of any perſon, not being deer-park, garden, or yard, or in the planted walk, avenue, or lawn, to the manſion-houſe of any perſon, and to carry away the ſaid materials.

Satisfaction to owners.

XXXIII. (2) Such overſeer making ſuch ſatisfaction to the owner or occupier of the land, for what damage may be done thereby, as ſhall be aſſeſſed by two ſubſtantial houſeholders of the ſaid county or pariſh, one to be named by each of the parties, who ſhall both be ſworn by ſome neighbouring juſtice of the peace, to be appraizers of ſuch damages, which appraizers ſuch juſtice is hereby impowered to ſwear to make a true eſtimate of ſuch damages to the beſt of their ſkill.

Obſtructing overſeers, &c.

XXXIV. *ſect.* 29. And if any perſon ſhall obſtruct or prevent ſuch overſeer in digging, raiſing or carrying away ſuch materials, or in making ſuch drains, ſuch perſons ſhall, upon conviction, by the oath of two credible witneſſes before any two juſtices of the peace of the county, city, or town corporate where ſuch offence ſhall be committed, forfeit for every ſuch offence, a ſum not exceeding five pounds to be levied, together with the charges, by diſtreſs and ſale of the goods of the offender, by the warrant of any two juſtices of the peace of ſuch county, city, or town corporate, where ſuch offence ſhall have been committed: one moiety of which penalty ſhall be paid to the informers, and the other moiety for the poor of the pariſh in which ſuch offence ſhall have been committed.

Scouring drains, &c.

XXXV. *ſect.* 33. And the ſaid overſeer ſhall give notice to the occupier of the land adjoining the roads, to ſcour the drains or ditches, or to cut or clip the hedges by the ſides of the roads, at a height not exceeding five feet,

lopping trees,

and to lop off the branches of any foreſt-trees that ſhall be within ſixteen feet of the center of any road, which ſhall overhang ſuch road, which if the occupier

neglect of occupiers.

ſhall neglect to do within ten days after the ſervice of ſuch notice, any juſtice of the peace of the county where ſuch road lies, may, by warrant under his hand and ſeal, order the overſeer of ſuch road to have the ſaid drains or ditches effectually ſcoured, or the hedges cut or clipped, or the branches of ſuch foreſt-trees lopped, and may, by ſuch warrant, authorize ſuch overſeer to levy the expence thereof on the goods of ſuch occupiers, together with ſuch wages to the ſaid overſeer, as the ſaid juſtice ſhall think fit, not exceeding two ſhillings for each day that the ſaid overſeer ſhall neceſſarily be employed in attending and performing ſuch work.

Time of notice.

XXXVI. (2) Provided that no notice ſhall be given to cut or clip any hedge, or lop the branches of any foreſt-trees, but between the firſt day of September and the firſt day of June in any year.

Building houſes.

XXXVII. *ſect.* 31. Every perſon who ſhall build any houſe, or part of a houſe, within twenty five feet of the center of any road, except in cities, towns-corporate, or market-towns.

Keeping dogs.

(2) Or keep any cur-dog, maſtiff, or bull-dog, at any houſe within two hundred yards of any road, without having a block of wood of the weight of five pounds at leaſt, faſtened to the neck of every ſuch dog.

Turf, dung, &c.

(3) Or ſhall lay any turf, dung, ſtraw, or rubbiſh, or the ſcouring of ditches or drains, or other filth, or any ſtones or timber upon any part of any road.

Pits or ditches,

(4) Or ſhall dig any pit or ditch, or build any wall within fifteen feet of the center of any road.

Cars, &c.

(5) Or ſhall leave any car, or other carriage, in the night time, from ſunſet to ſun-riſe, on any part of any road.

(6) Or

(6) Or ſhall alter any road, not being firſt authorized ſo to do by due courſe of law. Altering a road.

(7) Or expoſe to ſale the hide of any beaſt in the ſtreets of any city or town, through which travellers uſually paſs. Hides in ſtreets.

(8) Or ſcrape the gravel off any road, ſhall, upon conviction, by the oath of one credible witneſs, before any juſtice of the peace of the county where ſuch offence ſhall be committed, for every ſuch offence forfeit a ſum not exceeding ten ſhillings, to be levied by diſtreſs and ſale of the goods of the offender, by the warrant of any one ſuch juſtice of the peace of the county, or city, or town corporate, in which ſuch offence ſhall be committed. Scraping off gravel.

XXXVIII. *ſect.* 32. If any perſon ſhall draw any mill-ſtone on any road, without ſupporting ſuch mill-ſtone by a carriage on wheels, ſuch perſon ſhall, upon conviction by the oath of one credible witneſs before any juſtice of the peace of the county where ſuch offence ſhall be committed, for every ſuch offence, forfeit a ſum not exceeding forty ſhillings, to be levied by diſtreſs and ſale of the goods of the offender, by warrant of any one ſuch juſtice of the peace of the county or city, or town corporate in which offence ſhall be committed. Drawing mill-ſtones.

XXXIX. *ſect.* 33. And any one juſtice of the peace within his juriſdiction, may, upon the information of any one credible witneſs upon oath, (which oath every one ſuch juſtice is hereby impowered to adminiſter) by warrant under his hand and ſeal, order any houſe or part of a houſe hereafter built contrary to the intent of this act, to be pulled down. Pulling down houſes.

(2) Or any dog kept contrary to the intent of this act, to be killed. Killing dogs.

(3) Or any pit or ditch to be filled up; or any wall to be thrown down, that ſhall be hereafter made or built contrary to this act. Ditches and walls.

(4) As alſo the neceſſary expences attending thereon, to be levied by diſtreſs and ſale of the offenders goods and chattles. Expences.

XL. *ſect.* 34. And any perſon may take and carry away all ſuch turf, dung, ſtraw, or rubbiſh, filth, ſcouring of ditches, or drains, or ſtones, as he ſhall find ſo laid upon any part of any road, and apply the ſame to his own uſe. Taking away turf, dung, &c.

(2) And may kill any dog that ſhall be kept contrary to this act, without being ſued or proſecuted for ſo doing. Dogs may be killed.

XLI. *ſect.* 49. And it ſhall be lawful for every juſtice of aſſize, and juſtices of oyer and terminer, to enquire of, and hear and determine, every offence, matter and cauſe that ſhall grow, come, or ariſe, by reaſon of this ſtatute, and to aſſeſs ſuch reaſonable fines and amerciaments for the ſame, as by them ſhall be thought meet. Offences tried.

XLII. *ſect.* 52. If any perſon ſhall be ſued for putting in execution any of the powers contained in this act, or for doing any thing purſuant thereto, ſuch perſon may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiffs ſhall be non ſuited, and judgment given againſt them, upon demurer or otherwiſe, or a verdict paſs for the defendants, or a diſmiſs upon a civil bill, ſuch defendants ſhall have their treble coſts, to be recovered as where by law coſts are given to defendants. Suits, &c. general iſſue. treble coſts.

XLIII. *ſect.* 53. The ſolemn affirmation or declaration of a quaker ſhall be adjudged and taken to be of the ſame force and effect to all intents and purpoſes, in any caſe where by this act an oath is required to be taken, as if ſuch quaker had taken an oath in the form preſcribed, or in the uſual form. Affirmation of Quakers.

XLIV. *ſect.*

Counties of cities &c.

XLIV. *ſect.* 55. This act ſhall extend to counties of cities and counties of towns; and the grand juries thereof are hereby impowered to preſent ſuch ſums of money, as they ſhall think proper, on the county at large of ſuch city or town, in the ſame manner, and for the ſame purpoſes, and ſubject to the ſame method of account to all intents whatſoever, and to do every other act that the grand juries of the ſeveral counties in this kingdom are by this act enabled to do.

21 G. 2. c. 13. ſave as herein altered inforced.

XLV. *Stat.* 7 *G.* 3. *cap.* 10. *ſect.* 1. The 21 G. 2. c. 13. and all powers and authorities, articles, rules, penalties, and all clauſes therein, except as hereby altered, ſhall be of full force and effect, and continue to be executed during the term in ſaid act mentioned, as if the ſame powers and authorities were herein repeated and re-enacted, any thing in the ſaid former act contained to the contrary notwithſtanding.

Gate at Aghanebee lawful.

XLVI. *ſect.* 2. The toll houſe and turnpike gate erected at Aghanebee deemed lawful, erected purſuant to appointment of the truſtees, and ſo conſtrued to be, according to the true intent and meaning of ſaid act, whether the bounds of the liberties of Cork ſhall appear to be at Aghanebee, or to extend ſomewhat farther, any thing in ſaid act to the contrary notwithſtanding.

No gate nearer Cork.

XLVII. *ſect.* 3. No toll houſe or turnpike gate ſhall be erected in, acroſs, or on the ſide of ſaid road between Aghanebee and Cork.

A turnpike at Mill-ſtreet.

XLVIII. *ſect.* 4. A toll houſe, turnpike gates and ſide gate ſhall be erected at Mill-ſtreet, and there the like tolls ſhall be received and taken, and levied, applied and diſpoſed of, as by ſaid act directed, over and above the tolls in ſaid recited act, any thing therein contained to the contrary notwithſtanding.

7 truſtees may act.

XLIX. *ſect.* 5. Seven truſtees ſhall be a ſufficient number, and veſted with ſame power, and their acts as valid, as the acts of eleven under ſaid act, any thing therein to the contrary notwithſtanding.

A publick act.

L. *ſect.* 6. This deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and all other perſons, without ſpecially pleading the ſame.

Truſtees named for the road from Liſtowel in Kerry to the forge on the lands of Reens, may erect turnpikes and take toll; the rates.

LI. *Stat.* 7 *Geo.* 3. *cap.* 11. *ſect.* 1. The truſtees appointed for the road, and the ſurvivors, or any five or more, or ſuch perſons as they ſhall appoint, may erect turnpikes on any part, and toll houſes, and receive the following tolls or duties, for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, or mares, one ſhilling and ſix pence; drawn by a leſſer number than ſix and more than two, one ſhilling; drawn with two, four pence; every waggon, wain, or cart with two wheels, drawn by more than two horſes, mares, geldings, or oxen, two ſhillings and ſix pence; every cart, waggon, or car with two horſes, geldings, or mares, four pence; a chair or chaiſe with one horſe, mare, or gelding, three pence; every car or other carriage drawn but by one horſe, mare, gelding, aſs, mule, or ox, two pence, except cars and horſes laden with turf; every other horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one penny halfpenny; a drove of oxen, cows, or neat cattle, one ſhilling and eight pence per ſcore, and ſo in proportion; of calves, hogs, ſheep, or lambs, five pence per ſcore, and ſo in proportion; the money ſo raiſed veſted in ſaid truſtees for the uſes herein after mentioned: ſaid truſtees, or any five, or any perſons by them authorized under hands and ſeals may on neglect or refuſal levy by

diſtreſs and, ſale after 5 days.

diſtreſs

diſtreſs, and detain till ſaid toll with reaſonable charges paid, and after five days ſell ſuch diſtreſs, returning the overplus on demand.

LII. *ſect.* 2. The money, after charges and expences paid, applied to repair of the road.

LIII. *ſect.* 3. Tickets of the day of the month and toll paid delivered by gate keepers, taken at every other gate on the road, and in force for the ſame day.

LIV. *ſect.* 4. Permitting paſſage to avoid the toll, on conviction on oath of one witneſs before five truſtees (impowered to adminiſter) or one juſtice of the county, forfeiture ten ſhillings by diſtreſs and ſale, by warrant under hand and ſeal.

LV. *ſect.* 5. Sidegates and toll houſes may be erected, ſo as no double charge.

LVI. *ſect.* 6. Five truſtees at any meeting may under hand and ſeal appoint collectors, ſupervisors, clerk, or treaſurer; remove and appoint new ones; collectors accountable on oath once a month, or oftener if required; ſurplus, or ſo much as neceſſary, laid out in amending ſaid highway; allowance to collectors not exceeding twenty pounds a year; to ſurveyors two ſhillings a day; clerk or treaſurer thirty pounds a year; for not accounting and paying, impriſonment.

LVII. *ſect.* 7. Where not ſufficient materials in adjoining waſte or common, raiſed by order of five truſtees in any grounds, not being garden, orchard, yard, meadow, or avenue to an houſe, paying for the ſame; upon any difference aſſeſſed by a jury.

LVIII. *ſect.* 8. Annoyances removed on owner's neglect ten days after notice in writing.

LIX. *ſect.* 9. May make cauſeways and drains through grounds contiguous, erect arches and widen ſaid road; ſurveyors after ten days notice to owners or occupiers may ſcour ditches, and by warrant of five truſtees levy the charge.

LX. *ſect.* 10. Eleven truſtees may carry on ſaid road in direct lines, and agree for a recompence out of the tolls; on diſagreement or diſability finally aſcertained by a jury.

LXI. *ſect.* 11. Twelve truſtees may raiſe money by mortgage of ſaid tolls; applied only to repair ſaid road and build neceſſary bridges.

LXII. *ſect.* 12. Five truſtees may give orders for payment of growing intereſt; not to exceed forty pounds.

LXIII. *ſect.* 13. Orders transferred by indorſement, on notice to and entry by treaſurer without fee, and ſo *toties quoties*.

LXIV. *ſect.* 14. All orders numbered.

LXV. *ſect.* 15. Tolls applied to pay intereſt of money borrowed, and towards repairing the road; ſurplus to diſcharge the principal.

LXVI. *ſect.* 16. Toll paid only at the firſt gate, once the ſame day.

LXVII. *ſect.* 17. Perſons diſpoſing and receiving tickets to avoid toll, on conviction on oath before five truſtees or a juſtice, forfeit ten ſhillings.

LXVIII. *ſect.* 18. Fifteen truſtees at meeting may farm ſaid tolls, not above three years.

LXIX. *ſect.* 19. Tolls not demanded for materials for the road, corn in ſtraw, hay from a meadow to the haggard, implements for huſbandry in the pariſhes through which the road runs, beaſts going to water, the mail, ſoldiers on march.

LXX. *ſect.* 20. Continued 61 years, from 1 May 1768, unleſs before the road ſufficiently made, and all money paid.

LXXI. *ſect.* 21. Five truſtees on death or removal may appoint others.

LXXII. *ſect.* 22. No truſtee to accept place of profit, or contract for the road.

LXXIII. *ſect.* 24. Five truſtees may compound, within one Iriſh plantation mile of any gate. No gate nearer Liſtowel than one mile.

LXXIV. *ſect.* 25. Actions laid in county of Kerry or Limerick. Defendants may plead general iſſue and have treble coſts.

LXXV. *ſect.* 26. This a publick act.

9 G. 2. c. 17. amended;

LXXVI. *Stat.* 7 *Geo.* 3. *cap.* 13. *ſect.* 1. Truſtees in the former act and herein after named, or any ſeven, may during the 41 years by ſaid act and for the further term of 41 years, and to the end of the then next ſeſſion,

additional truſtees and tolls,

take in lieu of the tolls in ſaid acts the tolls following; every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, geldings, mares, mules, or aſſes two ſhillings; by four, one ſhilling and ſix pence; by two, one ſhilling; a chair or chaiſe by one beaſt of draft, four pence; a waggon or carriage with four wheels (except as before) nine inches broad at the ſoal, and the ſtrakes ſet on with flat nails, drawn by three or more beaſts, ſix pence; with two wheels, by two or more beaſts, three pence: with four wheels narrower than nine inches, or the ſtrakes ſet on otherwiſe, by two or more beaſts, ten ſhillings; with two wheels narrower than nine inches, or the ſtrakes ſet on otherwiſe, by two or more beaſts, five ſhillings; a cart or car with one beaſt, the wheels three inches at the ſoal, ſet on with flat nails three halfpence, if narrower, or the ſtrakes otherwiſe, one ſhilling; a horſe, mare, gelding, mule, or aſs, with or without a rider, one penny; a drove of oxen, cows, or neat cattle, twenty pence per ſcore; calves, hogs, ſheep, goats, or lambs, ten pence; a carriage with mill-ſtone, the wheels nine inches and the ſtrakes with flat nails, one ſhilling; if narrower, or the ſtrakes otherwiſe, ten ſhillings: ſaid tolls liable to pay ſums borrowed purſuant to ſaid act and the intereſt, and ſuch further ſums not exceeding two thouſand pounds, as ſhall be borrowed for the road.

LXXVII. *ſect.* 3. Truſtees named.

LXXVIII. *ſect.* 4. Eleven truſtees may from time to time where neceſſary appoint others.

LXXIX. *ſect.* 5. Truſtees to be actually in poſſeſſion of forty pounds yearly freehold, or eight hundred pounds perſonal, and ſwear thereto before five at a board if required.

LXXX. *ſect.* 6. The road divided into two parts.

LXXXI. *ſect.* 7. Toll paid but once a day in either diviſion.

Exempt from toll.

LXXXII. *ſect.* 8. No tolls for carts, cars, or waggons loaded or going to be loaded with corn in ſtraw or hay from the meadow to haggard; nor implements of huſbandry for uſing or repairing in the ſeveral pariſhes; nor cattle to or from water or paſture; the mail; waggoner's or carter's horſe; ſoldiers on march; vagrants with paſſes, or priſoners tranſmitted.

LXXXIII. *ſect.* 9. Fifteen truſtees at board may give warrants for payment of intereſt; none above fifty pounds.

LXXXIV. *ſect.* 10. Aſſignable by indorſement on notice to and entry by treaſurer.

LXXXV. *ſect.*

LXXXV. *ſect.* 11. Surplus of the toll after paying intereſt, ſalaries, and repairing the road, applied to the principal.

LXXXVI. *ſect.* 12. This a publick act.

LXXXVII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 9. *ſect.* 1. Whereas many public roads in Ulſter cannot without great expence and waſte of ground be made of the breadth required by 5 G. 3. c. 14. a veſtry ſhall and may be held in every pariſh or union in Ulſter or the firſt Tueſday, Wedneſday, or Thurſday after feaſt of St. Michael yearly in the church, or at ſome place in ſuch pariſh or union appointed by the rector, vicar, or officiating curate, where no church; and the proteſtant pariſhioners in ſuch veſtry, or major part, ſhall and may preſent ſuch ſums to be raiſed on ſuch pariſh or union, as they think neceſſary, not leſs than one penny, nor exceeding two pence, each acre, at the rate upon the ſeveral owners and occupiers of lands and houſes as the ſame have been uſually rated at in veſtry preſentments, for amending or repairing the roads in or through ſaid pariſh or union for the enſuing year; and chuſe one or more proper overſeers to take care, that the money ſhall be properly expended in amending or repairing as directed by ſuch veſtry; and allow overſeers any ſum not exceeding eighteen pence a day each for wages while employed; and appoint one or more collectors, and allow not exceeding twelve pence per pound for collecting; and chuſe one or more directors of ſaid roads, and two or more applotters; each of which applotters ſhall in one month after preſentment ſwear before a juſtice of the county that he will according to the beſt of his ſkill, knowledge, and judgment, without favour or partiality, juſtly applot the ſeveral ſums ſo preſented or aſſeſſed on occupiers of land in ſaid pariſh or union; and in two months after preſentment or aſſeſſment ſhall accordingly applot, and return applotment to the rector, vicar, or officiating curate, ſigned by them, and afterwards by rector, vicar, or curate, and delivered to ſaid collectors, which ſhall be ſufficient warrant to them to levy; if any refuſe the ſum he ought to pay according to applotment, collectors may levy by diſtreſs and ſale of goods, rendering overplus; the money collected paid to ſuch directors, who ſhall pay ſuch money to ſuch overſeer or overſeers in ſuch ſhares and proportions, and at ſuch times as they think proper; ſuch directors at ſuch veſtry next year ſhall account fully and faithfully on oath adminiſtered by rector, vicar, or curate, for all ſums received or expended.

In Ulſter veſtry preſentments yearly;

not under 1d. nor above 2d. per acre, for repairing;

overſeers 18d. a day each;

collectors 12d. per pound;

applotters ſworn,

payment to directors.

accountable next veſtry.

LXXXVIII. *ſect.* 2. None ſhall have a right to vote at ſuch veſtry, till he has firſt taken the following oath or (if a quaker) ſolemn affirmation, adminiſtered by ſaid rector, vicar, or curate, if deſired by any pariſhioner, *viz.* "I A. B. do ſwear, (or if a quaker) do ſolemnly affirm, that I am a proteſtant pariſhioner of this pariſh, and that I am worth twenty pounds over and above all the debts I owe."

Oath at veſtry if deſired, of being proteſtant pariſhioner, worth 20l.

LXXXIX. *ſect.* 3. If any pariſh or union in Ulſter neglects or omits to hold ſuch veſtry and make ſuch preſentment, from thenceforth and for and during ſuch year or years as they ſhall omit or forbear, the ſeveral acts, which were repealed by ſaid act, and by virtue thereof the ſix days labour were before ſaid act inforced and applied to the making or repairing the roads, ſhall in all ſuch articles and clauſes thereof or any way related to the ſaid ſix days labour ſhall be in full force within ſaid pariſh or union, and ſaid ſix days labour ſhall be inforced and applied to making or repairing the roads according

On neglect of veſtry and preſentment the 6 days labour inforced.

according to provisions and regulations of said acts, during such time as said parish or union omit or forbear, any thing in said act 5 G. 3. in any wise to the contrary notwithstanding.

On neglect to appoint collectors as by 5 G. 3. c. 14. f. 19. high constable to levy on treasurer's warrant at 6d. per l.

XC. *sect.* 4. Whereas great inconvenience felt in Ulster from difficulty in finding collectors duly qualified to collect the public money pursuant to 5 G. 3. by which great arrears incurred: as often as grand jury of any county in Ulster neglect or omit to appoint a collector for any barony, treasurer of such county shall issue warrant to the high constable to levy such sum, as shall be cessed and applotted on the barony within his district, together with any sum that may have remained in arrear on such barony by any former neglect of appointing collector; which warrant high constable is to execute, and collect and levy the sum applotted off the barony, and pay over to the treasurer on or before first of next assizes, and allowed for his trouble in collecting sixpence in the pound in like manner as collectors appointed by grand juries.

Barony presentment for new, or repairing old roads thro' mountainous unimproved parts, with stones or gravel,

breadth suitable to the place, ascertained in presentment; overseers wages not above 3d. per perch.

XCI. *Stat.* 11 & 12 *Geo.* 3. *cap.* 20 *sect.* 1. Whereas no provision is made for the making or repairing narrow roads, suitable to the situation and circumstances of mountainous tracks of land: After the 24th of June next it shall be lawful for the grand jury of any county at the assizes to present such sums as they shall think fit, to be raised upon any barony or half-barony in such county, for the making new or repairing old roads through any mountainous unimproved parts of such barony or half barony, of such a breadth, with stones or gravel, and of such breadth between the ditches, drains, or fences, as to the grand juries of each respective county in which such lands lie, shall seem suitable to the nature of the place, through which such road shall run, and as shall be ascertained in the presentment for that purpose; as also for the wages of the overseer or overseers of every such road, not exceeding three pence each perch so to be by him made or repaired according to this act; any thing to the contrary in any former law or statute in any manner notwithstanding.

Affidavit by 2 before judge of assize or 2 justices.

XCII. *sect.* 2. No money shall be so presented, unless an affidavit previously made by two credible persons, who can read and write, before one of the judges of assize, or before two justices for said county, who are hereby impowered to administer the same in the following form.

County of { A. B. *of* *and* C. D *of*
do swear, that they have lately viewed and measured
perches of a road from *to*
between *and* *all in the barony of*
in said county, and that it will require the sum of *to make*
and repair the said *perches of road*
wide in the clear, and *feet wide, at the least, with stones or gravel,*
being at the rate of *by the perch, which they verily believe is the*
least the said *perches can be sufficiently so made or repaired for, and*
that the said road is in a mountainous unimproved part of said barony, where such
road is much wanting, and where the expence of making a wider road would be an
unnecessary charge on said barony:

which affidavit the clerk of the crown is required to file, and keep amongst the

the records of ſuch county; and no money ſhall be paid on account of any ſuch preſentment by the treaſurer of any county, until the affidavit of one of the overſeers, appointed by the grand jury, ſworn before one of the judges of aſſize, and in the following form, ſhall be allowed of by the grand jury, and judges of aſſize.

Filed and kept by clerk of the crown; affidavit of one overſeer, before a judge of aſſize, allowed by grand jury and judges of aſſize.

County of } *Whereas the ſum of was preſented by the grand* } *jury of ſaid county, at aſſizes, in the year to be expended in making and repairing perches of the mountain road, from to between and feet wide in the clear, and feet wide at the leaſt, with ſtones or gravel, being at the rate of by the perch. Now I. A B. one of the overſeers appointed by the grand jury, do ſwear, that I have honeſtly and faithfully expended, or cauſed to be expended, the ſum of in making and repairing perches of the ſaid road, and that the ſaid perches, and every part of the ſame, are made feet wide at the leaſt, with ſtones or gravel, and are feet wide in the clear, within the ditches, drains, or fences; and that the ſaid ſum, with my wages, at per perch, amounts to*

XCIII. *ſect.* 3. No ſums ſhall be preſented or levied upon any barony or county for making any fence or fences by the ſide of ſuch mountain roads as aforeſaid.

No preſentments for fences.

XCIV. *ſect.* 4. This act ſhall not extend to any county of a city or town.

Not county of town.

XCV. *Stat.* 11 & 12 *Geo.* 3. *cap.* 35. *ſect.* 1. Whereas a new bridge has been built at the expence of the county of Dublin near Lucan: and Agmondiſham Veſey has undertaken, that the road from ſaid bridge, ſhall be carried without any expence to the county through his eſtate in a ſtraight line to Thomas Lynche's houſe, where it will interſect the turnpike road: as ſoon as the ſaid new road finiſhed, it ſhall be lawful for the ſaid Agmondiſham Veſey to ſtop and incloſe that part of the old road, which lies on the weſt ſide of the little river, called the Griffin.

Old road weſt of the Griffin ſtopped as ſoon as the new road finiſhed.

XCVI. *ſect.* 2. This act deemed a public act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

A publick act.

XCVII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 26. *ſect.* 1. The treaſurers of turnpike boards ſhall on or before the firſt of October 1774, depoſite with clerks of peace of the counties reſpectively through which turnpike roads, or any part thereof are carried, full, true, and fair copies of all contracts made with commiſſioners of ſaid turnpike roads reſpectively, for making and repairing ſaid roads, or any bridges on them; and all orders made by the commiſſioners, or a competent number, for any purpoſe whatſoever, any ways relative to ſaid turnpike roads reſpectively, down to the firſt of October 1774, and all ſuch contracts and orders as aforeſaid, made after that day, within one calendar month after making the ſame, and after the firſt of October 1774 yearly, on every firſt of October, the full annual produce of the toll of the turnpike roads of this kingdom reſpectively, and expences of collecting the ſame.

Turnpike treaſurers by 1ſt October 1774, to depoſite with clerks of peace copies of contracts with and orders by commiſſioners, ſubſequent in one month after making, every 1ſt Octob. the annual produce of turnpike toll and expence of collecting.

XCVIII. *ſect.* 2. Every treaſurer of any turnpike board who ſhall fail to comply with ſaid orders hereby given, or any of them, ſhall forfeit twenty pounds

Penalty on treaſurers 20l. per month,

pounds for every calendar month, during which he ſhall fail after the times aforeſaid reſpectively to comply with ſaid orders, or any of them; which penalty ſhall be ſued for by civil bill, levied and recovered as is directed, and by the ſame rules, in all reſpects, given by the laws, which have created that judicature in the caſes provided for by thoſe laws, in name of clerk of crown of that county, where the civil bill ought to be brought; and where no treaſurer, or where the treaſurer abſconding or inſolvent, ſaid duties, hereby required to be performed by the treaſurer, ſhall be performed by the perſons reſpectively who do or ſhall receive the tolls of ſaid turnpike roads reſpectively, or any part of ſaid tolls from gate keepers or immediate collectors of ſaid tolls; and if ſaid duties, incumbent on ſaid laſt mentioned perſons, ſhall not be performed by them, the perſons reſpectively receiving ſaid tolls, or any part, may be ſued for and compelled to pay ſaid penalties as aforeſaid; and clerks of crown of counties, are required, upon application of any perſon who ſhall firſt depoſite with them reſpectively twenty ſhillings for every civil bill brought as aforeſaid, to indemnify them reſpectively from the coſts of a diſmiſſal, ſhall permit ſuch ſuits by civil bill to be carried on with effect in their names, and after a decree obtained, ſhall ſee ſaid penalties duly and effectually levied; and ſaid penalties, when levied, ſhall be diſpoſed of in manner following, that is to ſay, in the firſt, a ſum not exceeding forty ſhillings, ſhall be deducted thereout for coſts and expences of each ſuit by civil bill; and one tenth of each penalty to the perſon who ſhall promote ſaid ſuit; one other tenth part to clerk of crown for his trouble; one other tenth part to clerk of peace for his trouble; and remainder ſhall be given to governors of the infirmary of that county, where the penalties incurred, for uſe of that infirmary; and clerks of peace are required to preſerve all ſaid papers and writings, ſo depoſited with them, carefully in their offices; and to ſuffer them at all ſeaſonable and convenient hours to be inſpected during aſſizes and quarter ſeſſions by every literate perſon, who ſhall deſire it; which the judges of aſſize, and juſtices of ſeſſions reſpectively, are authorized and required upon complaint to enforce a due compliance with, and to order in all caſes of neglect thoſe offences to be proceeded againſt as for a failure in performance of duties of their offices reſpectively.

by civil bill in crown clerk's name;

if no treaſurer, or inſolvent, done by receivers of toll from gate keepers,

or like penalties;

crown clerk on depoſite of 20s. ſhall permit ſuit, and inforce penalty;

coſts, not above 40s. firſt deducted,
one 10th to proſecutor,
one 10th to crown clerk,
one 10th to peace clerk,
reſidue to infirmary;
peace clerks to preſerve papers, and permit inſpection at aſſizes and ſeſſions;
on complaint inforced at aſſizes and ſeſſions.

XCIX. *ſect.* 3. No turnpike commiſſioner ſhall ſign any order for paying, nor ſhall any treaſurer of any turnpike board pay any ſum to any perſon whatſoever, for making or repairing any turnpike road, or any part, or any bridge, on any turnpike road, till the perſon ſo applying firſt produce to ſuch commiſſioners and treaſurers, or other perſons receiving the tolls reſpectively, on affidavit ſworn by the perſon or perſons principally employed in making or repairing, before two juſtices for the county where the road or bridge, in reſpect of which the application made, ſhall be of the following tenor:

No order for payment without affidavit, by thoſe principally employed on road or bridge, ſworn before two juſtices.

I do ſwear, that I have been principally employed in making or repairing (as the caſe ſhall happen) *perches of the turnpike road of lying from in the county of* (or as the caſe ſhall happen) *the bridge of made on the turnpike road of in the county of being the part of the ſaid road, or the bridge on the ſaid road* (as the caſe ſhall happen) *which hath contracted, or been employed to make or repair; and that the ſaid road or bridge is well, effectually, and durably made and repaired according to the ſaid his contract, or the terms on which he was employed, which I have*

have perused and read; and that I have lodged a duplicate of this affidavit with the clerk of the peace of the county of

Which duplicates clerks of peace of counties are required to keep and preserve diligently amongst records of that county, and to suffer them to be read and inspected by every literate person, who shall desire it, during assizes and quarter sessions, on pain of such censure and punishment as publick officers neglecting duties of their office are by law subject to; and judges of assize and justices of peace at sessions are authorized and required in case of neglect or failure, to order those offences to be proceeded against accordingly.

Duplicates of affidavit kept by peace clerks, inspected during assizes and sessions, or punished as for neglect of duty.

C. *sect.* 4. Commissioners of any turnpike road, who before such affidavit produced, shall sign or make any order for paying any money for making or repairing any turnpike road, or any part, or any bridge upon any turnpike road, and the treasurer or other person who shall receive the tolls as aforesaid, who shall make said payments, or any of them, shall forfeit a sum equal to the sum so ordered to be paid; to be sued for, recovered, levied, and disposed of as the penalties aforesaid are herein before directed to be.

like sums forfeited, as said penalties.

CI. *sect.* 5. Executors, administrators, and assigns of all persons, who have had or shall have any debenture, mortgage, or assignment of the tolls, or of any part of any turnpike road, for making or repairing any turnpike road, or any part, or any bridge on any turnpike road, or for performing any contract relative to any turnpike road, shall, as far as the value of such debenture, mortgage, or assignment extends, be as much bound to make and repair such road or bridge, and to perform every such contract, as the persons were, who first undertook to make or repair such road or bridge, or to perform such contract.

Executors, &c. liable to contracts.

CII. *sect.* 6. In all cases where alledged that any turnpike commissioner, or other person, hath misapplied, wasted, or embezzled the tolls, or any part, of any turnpike road, or broke or not performed any agreement or contract relative thereto, the person so alledging shall make or cause to be made, one or more affidavits, as if in a cause depending in chancery or exchequer between the attorney general at the relation of the person so alledging plaintiff, and the person so complained against defendant, stating charges of such misapplication, wasting, or embezzlement, or breach or non-performance of agreement or contract, against the person complained against particularly; and that the relator is not prompted to the proceeding by malice or ill will to any; and that the proceeding has not been meditated or contrived to favour or protect the defendant against a more adversary or any other proceeding; and that the relator is worth two hundred pounds above all his just debts; or is ready and willing to give such security to be answerable for costs, as the court shall think reasonable; and upon filing every such affidavit the attorney general is required to permit a motion to be made in his name to chancery or exchequer for an order, that the persons complained against shall answer the affidavit or affidavits, and upon coming in of such answer the court shall or may, according to justice of the case, either dismiss the complaint with costs, or order that a bill or information shall be filed in name of attorney general at relation of party complaining against the party complained against, and that they shall in due time answer; and court shall proceed in summary course as in possessory causes, and order examination of witnesses, and hear the cause, and make such decree, as agreeable to rules of equity and justice; and for that purpose shall direct all proper enquiries, and award costs at discretion of the court to

On allegation of wasting or embezzling tolls, or not performing contract, affidavit as in a cause in chancery or exchequer by relator, stating charges particularly;

not thro' malice,

nor to favour defendant,

relator worth 200l. or ready to secure costs,

motion in chancery or exchequer in name of attorney general to answer affidavit;

complaint dismissed or information ordered;

heard summarily as possessory causes,

witnesses examined,

decree as by equity;

costs at discretion,

or

relator to give ſecurity; appeal by either; if colluſive, ordered to be carried on by any other,

or againſt relator, and at any ſtage of the cauſe order relator, if the court think it juſt to give ſecurity to anſwer coſts, if the bill or information diſmiſſed, with a reciprocal right of appeal to the parties; and if it ſhall appear, that the relator has entered into a colluſion with the perſon complained againſt, or to favour the perſon, forbear to proſecute, the court ſhall and are required to order the cauſe to be carried on by any other who ſhall lend his name, in the relator's name, entering into a reaſonable ſecurity to indemnify relator from coſts; the relator in every ſuch caſe ſhall be decreed to one fourth of the ſum recovered, and to the coſts expended in carrying on ſuit; the reſidue of the ſum recovered ſhall be applied to performance of the broken or not performed contract, or to the making or repairing the neglected road or bridge (as the caſe ſhall happen) and the court ſhall give proper and neceſſary orders for thoſe purpoſes.

on ſecurity for coſts, one 4th of ſum recovered to relator and coſts; reſidue to perform the contract, or the road or bridge.

Suit for miſapplication of tolls in four years;

commenced in party's life.

CIII. *ſect.* 7. No ſuit on this act ſhall be commenced (except in caſe of ſuch contractors as aforeſaid) for any miſapplication or embezzlement of ſuch tolls as aforeſaid, unleſs ſuch complaint made within four years after ſuch miſapplication or embezzlement; nor againſt executor or adminiſtrator of any perſon charged with ſuch miſapplication or embezzlement (except as aforeſaid) unleſs a ſuit commenced againſt the perſon whom ſuch executors or adminiſtrators ſhall repreſent, in the life time of ſuch perſon.

Preſentment ſummer aſſizes not above 3l. to peace clerk for ſaid duty, if performed;

may be traverſed.

CIV. *ſect.* 8. It ſhall be lawful for grand juries of counties, at ſummer aſſizes to preſent any ſum, not exceeding three pounds a year, to clerk of peace of each county, for doing duties herein required, to be levied as other county taxes, if it ſhall appear to them, thoſe duties faithfully performed, but not otherwiſe; which preſentments may be traverſed and tried in ordinary courſe.

Account of tolls received drawn up,

from laſt account, the application;

account ſigned, and witneſſed by 2, depoſited with peace clerk,

yearly,

penalty 20l. per month;

for wilful overcharge or error, penalty double the ſum, as other penalties;

accounts preſerved by clerks, and inſpected.

CV. *ſect.* 9. Treaſurer of every turnpike road, or other perſons receiving tolls, or any part of any turnpike road, from collectors of thoſe tolls, ſhall on or before firſt of October 1774, draw up an account of tolls received by ſuch perſons, from the laſt account ſtated by ſuch perſons, or their predeceſſors, with the turnpike board of that road, and ſtate fully and particularly how the tolls ſo received from time of ſuch laſt account have been applied, paid, and diſpoſed of, and to whom, and ſhall ſign ſuch account in preſence of two or more literate perſons, who ſhall ſubſcribe the ſame as witneſſes, and ſhall depoſite the ſame with clerk of peace of thoſe counties reſpectively, through which ſuch turnpike road doth run, on or before the firſt of October 1774; and every ſuch treaſurer and other perſon, ſhall yearly hereafter, draw up and lodge an account, ſuch as herein before is directed in all reſpects, with the ſame clerks of peace reſpectively, on pain of forfeiting twenty pounds for every calendar month during which ſuch perſons neglect or fail to comply with ſaid laſt mentioned duties hereby enjoined; if in ſuch accounts, or any of them, any wilful overcharge ſhall be made, or wilful error committed, every perſon guilty of ſuch overcharge or error, ſhall for every ſuch offence forfeit a ſum, equal to the amount of the ſum twice told or reckoned, that the publick ſhall be attempted to be defrauded of by ſuch wilful overcharge or error; which penalties laſt ſpecified ſhall be ſued for, levied, and diſtributed in all reſpects as the other penalties herein before ſpecified; and clerks of peace are required to preſerve all ſuch accounts, and permit the ſame to be inſpected in all reſpects, as the other papers before directed to be preſerved and inſpected are directed to be; and in this laſt particular the clerks of peace reſpectively are to be under ſame controul, as in the other inſtances before mentioned.

CVI. *ſect.*

CVI. *sect.* 13. This act deemed a publick act, and judicially taken notice of as such by all judges, justices, and other persons whatsoever without specially pleading. A publick act.

CVII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 28. *sect.* 1. Whereas an act passed 3 G. 3. for amending and repairing the road from Dublin to Dunleer: it shall be lawful for trustees of said turnpike road, or any thirty one, in case they shall be enabled thereto by the tolls, and that the same shall appear to them an improvement, and an advantage to the publick and travellers, to lay out any new line or lines to the eastward of the present road between the fourteenth and eighteenth mile stones, which they may judge will best answer the purpose aforesaid, to be thirty feet wide in the clear; and to ascertain the grounds through which the same shall pass, with such exceptions and restrictions, to prevent such new road from doing a real injury, and such provisoes and clauses for securing to the owners recompence proportioned to loss, as in said act, relative to the new road or line, intended to have been made between the seven mile stone and the sign of the car and horse. Recital 3 G. 3. c. 30. 31 trustees may lay out new lines east of the road between 14th and 18th stones 30 feet clear, and ascertain the grounds and recompence, as by 3 G. 3. c. 30.

CVIII. *sect.* 2. Where they find any part of said old road become useless and unnecessary, may order such part to be stopped up as soon as such new road finished and opened for use of the public, and where the inheritance of the ground of such part of said old road to be stopped up, and of the new road to be opened, belonging to the same person, to give up such part of said old road in lieu and exchange for the new part, with such other satisfaction as thought reasonable by said trustees, or any thirty one or more. May stop up the old road.

CIX. *sect.* 3. The said act, with alterations by this act, and also this act shall continue in force forty-one years from the 1st of May 1774, and from thence unto the end of the then next session. 3 G. 2. c. 20. and this act continued 41 years, &c. from 1 May 1774.

CX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 29. *sect.* 1. The act made 7 *G.* 2. and clauses therein, or thereby continued, altered or amended, except what hereby altered or amended, shall be of full force and effect, and continue from the 25th of March 1774, during thirty one years, and from thence to the end of the then next session, for the intents and purposes in said act, and the act therein recited, and herein after mentioned; any thing in said former act to the contrary notwithstanding. 7 G. 2. c. 20, except as altered, continued 31 years, &c. from 25 Mar. 1774.

CXI. *sect.* 2. The persons named, and none other, the trustees for putting said act and this in execution; and on death or refusing to act, by writing under their hands and seals, it shall be lawful for said trustees, or any seven, to elect from time to time one or more fit and able persons to be joined, so as the whole number of trustees shall amount to fifty, and no more. Trustees named, 7 may act; elect others on vacancy by death or refusal under hand and seal; 50 in number.

CXII. *sect.* 3. A meeting or board of trustees, or any seven, shall be held the first Monday every month at least; the first at some convenient place in Cork, of which the treasurer or receiver shall give due notice; and said trustees shall adjourn, and afterwards meet there, or on or near the said roads to be repaired, as any seven think convenient; and if there shall not appear a sufficient number to act, and to adjourn, then and in such case the receiver or treasurer shall appoint said trustees to meet at the house, where the meeting was last appointed, or at some other convenient house on or near said roads on that day fortnight, upon which such last meeting or board was appointed; of which such receiver or treasurer is hereby required to give due notice. Monthly board, first in Cork, on notice, afterwards meet there or where convenient, near the road; if not sufficient number, treasurer to appoint meeting.

Erect turnpikes,

not nearer than one mile to Cork.

CXIII. *sect.* 4. Said truſtees ſhall erect, or cauſe to be erected ſuch other or more gates, turnpikes, and toll houſes, and in ſuch places, upon or adjoining to ſaid roads, as they think convenient; provided that no ſuch gate, turnpike, or toll houſe be erected nearer unto Cork, than the one mile ſtone.

May leaſe tolls, and contract for repairs not above 2 years; void if longer term.

CXIV. *sect.* 5. Said truſtees ſhall have power to make leaſes from time to time of ſaid tolls, or any part thereof, not exceeding two years; and contract for repair of roads, or any part, for any term not exceeding two years; and all leaſes and contracts longer than two years from the time of making, ſhall be void to all intents.

Security by toll contractors;

CXV. *sect.* 6. Every perſon, who ſhall contract for ſaid tolls, ſhall, at the time, perfect bonds and warrants to the treaſurer, payable quarterly, each after each, drawn, filled, or approved of by the law agent of the board; and ſhall procure one or more ſolvent and reſponſible perſons to join as ſurety therein, if ſaid truſtees think fit to require the ſame; and upon non-payment of ſaid bonds, the ſame ſhall carry legal intereſt until paid.

legal intereſt on non-payment.

Appoint a law agent, whoſe coſts paid by treaſurer.

CXVI. *sect.* 7. Said truſtees, by writing under hands and ſeals ſhall at any meetings nominate and appoint a law agent or attorney, and order the treaſurer to pay ſaid law-agent his bills of coſt, whoſe receipt a ſufficient voucher for ſaid treaſurer on his account.

Toll contractors not to repair;

CXVII. *sect.* 8. No perſon who ſhall after the twenty fifth of March 1774, contract for, or in any wiſe concerned in contracting for the tolls, or any part, ſhall, in his own name, or name of any other, undertake, agree, or contract for repair of ſaid roads, or any part; and any perſon who ſhall contract for repairing, making, or amending any part, ſhall take an oath before ſaid truſtees, that he or they do undertake the ſame for their own uſe, and not for uſe of, or in truſt for, or for benefit of any perſon concerned in the taking or contracting for the tolls.

oath by contractors for repair;

May ſet out lands convenient, not garden or park, walled 5 feet high, &c. and treat for recompence out of the tolls;

CXVIII. *sect.* 9. It ſhall be lawful for ſaid truſtees, to aſcertain, deſcribe, mark out, and ſet apart, any parts or proportions of the lands convenient to ſaid road, not being a garden, walled park, the wall at leaſt five feet high, orchard, yard, or meadow, planted walk, or avenue to a houſe, as they ſhall judge neceſſary for carrying in convenient lines; and are impowered to treat and agree with owners and others intereſted in ſaid ground, for ſuch recompence and ſatisfaction, out of the tolls and duties, as ſaid truſtees ſhall think reaſonable; and in caſe any perſons neglect or refuſe to treat or agree, or through any diſability, non-age, coverture, or ſpecial limitation, or other impediment, cannot or refuſe to diſpoſe of their intereſts, as ſaid truſtees think convenient for ſuch lines, ſaid truſtees are impowered to iſſue warrants to the ſheriff or ſheriffs where ſuch ground doth lie, to impannel and return, at ſuch time and place within ſaid county, as appointed by ſaid warrants, a ſufficient jury, who, upon their oaths (which oaths the ſaid truſtees are required to adminiſter) ſhall enquire into the true and real value of ſuch ground; and ſuch verdicts and inquiſitions, aſcertaining the value of ſuch ground ſhall be final and concluſive as well to ſaid truſtees as to the owners, notwithſtanding any diſability or incapacity; and ſaid ground from thenceforth deemed a part of the highway or road to all intents.

on refuſal or diſability, warrant to ſheriff to return a jury to inquire the value,

verdict concluſive,

Treaſurer may ſue debtors;

CXIX. *sect.* 10. And whereas Hugh Norcott, deceaſed, James and William Norcott, and ſeveral other perſons, have contracted debts with, and they or their repreſentatives ſtill remain indebted to the truſtees appointed by 5 & 7 G. 2. or ſome of them, or their treaſurer, and have executed bonds and warrants to confeſs judgments thereon, or paſſed other ſecurities or vouchers, or

remain

remain ſtill indebted by book account or otherwiſe to ſaid treaſurer, or for or on account of ſaid roads; the ſaid treaſurer or ſuch other perſon as ſhall from time to time be appointed in his ſtead, ſhall have full power and authority, and required to aſk, ſue for, recover and receive from ſaid perſons ſo indebted, their heirs, executors, adminiſtrators, or aſſigns, all and every of ſaid debts, dues, and demands, in his own name, or names of perſons to whom payable, and to iſſue proceſs or execution thereon forth of any court of law or equity in his own name, or perſons to whom payable; and all ſums ſo recovered, ſhall be veſted in, and to uſe of the truſtees, for the like purpoſes, truſts, and uſes, as any other ſums received by virtue of, or under this or ſaid acts; and until ſaid ſums received and recovered, the ſame ſhall ſtand as a charge upon the real and perſonal eſtate of the perſons reſpectively who contracted ſaid debts, into whoſe hands ſoever the ſame ſhall come; ſaving the right of purchaſers of the ſame, or who have obtained judgments or mortgages from or againſt ſaid perſons, or any of them, before the 25th of March 1774, *bona fide*, and for full and valuable conſideration, without notice of ſaid debts.

money recovered veſted in truſtees,

charged on the eſtates;

ſaving right of purchaſers, &c. *bona fide*, without notice.

CXX. *ſect.* 11. Said truſtees, or any ſeven or more, ſhall give notice in writing to tenants, or owners of ground where incroachments made, to remove the ſame and enlarge ſaid road to its former width, at their own expence; and in caſe ſuch tenant or owners ſhall not remove and enlarge, before next monthly meeting or board, ſaid truſtees, or ſeven or more, ſhall and are required to cauſe ſaid incroachment to be removed, and the road enlarged, and to levy expences and coſts thereof upon goods and chattles of ſaid tenant or owners, as any ſum may be levied by this or ſaid former acts.

Notice by 7 truſtees, to remove incroachments; or done by truſtees,

and coſts levied.

CXXI. *ſect.* 12. All ſuch perſons, as undertake, agree, or contract for repairing, making, or amending ſaid roads, or any part, ſhall deliver to ſaid truſtees, or ſeven or more, at monthly board or meeting, a clear, full, and true account of all ſuch ſums, as they have expended in altering, amending, or making ſaid roads, deſcribing the parts altered, made, or amended, and manner in which done; which accounts they ſhall, if required, verify by affidavit, which ſaid truſtees, or ſeven or more, are impowered to adminiſter.

Account of expences on affidavit.

CXXII. *ſect.* 13. Any number of truſtees not leſs than ſeven, deemed ſufficient to perform any act or deed, directed by, or mentioned in ſaid acts of 5 & 7 G. 2. as fully, as if the number of ſeven had been therein reſpectively mentioned; any thing in ſaid acts, or either to the contrary notwithſtanding.

7 truſtees ſufficient.

CXXIII. *ſect.* 14. Said treaſurer ſhall out of ſuch money as in his hands, firſt pay and diſcharge the expence of procuring this act of parliament; and if any ſuit againſt any perſons for any thing in purſuance of this act, the action ſhall be laid in counties of Cork, and city, and not elſewhere; and defendants may plead the general iſſue; or, if in replevin, avow, that he or they acted by this act, and may give this act and the ſpecial matter in evidence at any trial thereupon, and that the ſame was done by this act; and if ſo done, or ſuch actions brought in any other county, the jury ſhall find for defendants or avowants; and upon ſuch verdict, or if the plaintiff non-ſuited or diſcontinue after defendants appeared; or, if on any demurrer judgment againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy as any defendants have in any other caſes by law.

Expence of this act firſt paid;

ſuits laid in ſaid counties;

general iſſue, &c.

treble coſts to defendants.

A publick act.

CXXIV. *ſect.* 15. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading.

13 G. 2. c. 15.

7 truſtees may act, where more than 5 required thereby, reſident or not.

CXXV. *ſect.* 16. Whereas it has been found difficult to collect a board of truſtees, appointed by an act 13 G. 2. where any greater number of truſtees than five is requiſite to do, eſtabliſh, or confirm any act or deed, under ſaid act, it ſhall be lawful for any ſeven of the truſtees therein named, or appointed, or to be appointed, whether reſidents of the county of Tipperary or not, to perform any act by, or mentioned in ſaid act, as fully and effectually, as if ſeven had been therein mentioned, any thing in ſaid act to the contrary notwithſtanding.

Additional truſtees between Kilkenny and Callan.

CXXVI. *ſect.* 17. Whereas the turnpike road between Kilkenny and Callan is much out of repair, and it would tend to the improvement, if additional truſtees appointed: the perſons following appointed truſtees, in addition to thoſe already appointed for ſaid road.

Alternate boards.

CXXVII. *ſect.* 18. The turnpike boards for ſuperintending the buſineſs of ſaid laſt mentioned road, held alternately at Kilkenny and Clonmell, whenever ſuch meeting appointed.

Dundalk to Dunleer.

Truſtees named, 7 to erect turnpike, and take toll.

The toll.

CXXVIII. *Stat:* 13 & 14 *Geo.* 3. *cap.* 30. *ſect.* 1. Whereas the expence of amending the road from Dundalk to Dunleer, has been paid for many years by the landholders and inhabitants, and it is reaſonable, that all perſons, who travel ſhould contribute to the repair: any ſeven or more of them, who are hereby nominated and appointed truſtees of ſaid road, to authorize ſuch perſons as they appoint, to erect one gate or turnpike upon any part of ſaid road, between the White Houſe of Lurgan Green and the road from Lurgan Green to Ardee, through the commons of Drumiſkin, by the lands of Whiterath, and from thence to the great road from Ardee to Dundalk, and alſo a toll houſe, and there to demand and take the tolls following, before any horſe, mare, gelding, mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, permitted to paſs; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, or more, two ſhillings and ſix pence; drawn by four horſes, one ſhilling and ſix pence; by two horſes, one ſhilling; for every carriage called a chair, or chaiſe with one horſe, mare, or gelding, ſix pence; for every waggon, wain, cart, or carriage with four wheels, the breadth thereof being not leſs than ſix inches at the ſole, and the ſtraiks ſet on with flat or roſe-headed nails, and the fore axle tree of ſuch carriage being ſo much ſhorter than the hind axle tree, that the wheels of ſuch carriage ſhall roll at leaſt ten inches in breadth on each ſide, and the wheels placed at ſuch diſtance, that the ſpace from the middle of the one track made by ſuch wheels, and the middle of the other ſhall be from four feet ten inches to five feet, drawn by three or more horſes, three pence; for every waggon, wain, cart or carriage with two wheels, the breadth thereof not leſs than ſix inches at the ſole, and the ſtraiks ſet on with flat or roſe-headed nails, two pence; for every waggon or wain with four wheels, narrower than ſix inches, ten ſhillings; for every waggon or wain with two wheels, narrower than ſix inches, having two or more horſes, five ſhillings; for every car or cart, having but one horſe, mare, gelding, or mule, the breadth of the wheels thereof being three inches at the ſole, and the ſtraiks thereof ſet on with flat or roſe-headed nails, one penny half penny; for every car or cart, having but one horſe, mare, gelding, or mule, the breadth of the wheels thereof being four inches

at

at the ſole, and the ſtraiks thereof ſet on with flat or roſe-headed nails, one penny; for every car or cart with wheels narrower than three inches, one ſhilling; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one penny; for every drove of oxen or neat cattle, one ſhilling and eight pence by the ſcore, and ſo in proportion; for every drove of calves, hogs, ſheep, or lambs, ten pence by the ſcore, and ſo in proportion; and for every horſe, mare, gelding, mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage travelling on Sundays, from ſunriſe to ſunſet, double the aforeſaid tolls; which ſaid ſums ſhall be demanded and taken in the name of, or as a toll or duty; and the money ſo raiſed ſhall be veſted in ſaid truſtees, and paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner as is herein after mentioned and directed; and ſaid truſtees, or any ſeven or more, are impowered by themſelves, or any perſons by them, under hands and ſeals authorized, to levy the toll or duty required to be paid, upon any perſons who ſhall after demand neglect or refuſe to pay, by diſtreſs of any horſes, cattle, or goods upon which ſuch toll or duty is by this act impoſed, or upon any other goods and chattles of ſuch perſons who ought to pay, and may detain and keep the ſame until ſuch toll or duty, with reaſonable charge of diſtraining or keeping paid; and it ſhall be lawful for ſuch perſons ſo diſtraining, after four days after ſuch diſtreſs, to ſell the goods ſo diſtrained, returning the overplus, if any be, upon demand, to the owner, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping be deducted and paid.

CXXIX. *ſect.* 2. Out of the firſt money from the profits of ſaid turnpike, ſaid truſtees, or any ſeven or more, ſhall firſt pay and diſcharge expence of procuring this act, and of erecting ſuch turnpike or toll houſe; and then the profits ariſing, and the toll collected at ſaid turnpike, ſhall be applied towards amending ſaid road. Expences firſt paid, then applied to the road.

CXXX. *ſect.* 3. If any perſons owning, renting, or occupying any land near ſaid turnpike, ſhall for gain, reward, or otherwiſe permit any perſon whatſoever to paſs through ſuch land with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or other carriage, or riding or driving any horſe, aſs, or mule, or any ſort of cattle to avoid payment of the toll, and being thereof convicted upon oath before ſaid truſtees, or any ſeven or more, or any one or more juſtices for ſaid county of Louth, ſhall forfeit and pay to the truſtees ten ſhillings; levied by diſtreſs and ſale of offenders goods by warrant under hand and ſeal of ſaid truſtees, or any ſeven or more, or ſuch juſtices, rendering the overplus to owner, the charges in taking and diſpoſing of ſaid goods firſt deducted. Permitting paſſage to avoid toll, 10s.

CXXXI. *ſect.* 4. Said truſtees, or any twelve or more, at their firſt or any ſucceeding meeting, by writing under hands and ſeals, ſhall and may elect, nominate, and appoint one fit perſon to be treaſurer, and one to be collector of ſuch money, in name of ſuch toll or duty, as due or payable by this act, and alſo one or more overſeers to amend ſaid road, and to remove ſuch treaſurer or collector as they ſee occaſion, and appoint a new one in caſe of death or removal; and ſuch perſons as by this act liable to pay ſaid toll or duty, are required to pay the ſame, after the rates aforeſaid to ſaid collector; and ſuch treaſurer or collector ſhall, upon oath, if required by truſtees, or any ſeven or more, or before one or more juſtices reſiding near the road aforeſaid (which oath ſuch truſtees, or any three or more of them, or ſuch juſtices are hereby empowered 12 may appoint treaſurer, &c.

empowered and required to adminiſter) on the firſt Tueſday in every month, or oftner if required, during this act, give in a true, exact, and perfect account in writing under their hands, of all monies they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by this act, for which oath no fee or reward taken; and in caſe any money ſo received remain in any of their hands, the ſame ſhall be paid to ſaid truſtees, or any ſeven or more, or to ſuch perſons as ſaid truſtees, or any ſeven or more, (as qualified to act) ſhall, by any writings under hands and ſeals, empower to receive; and ſaid truſtees, or any ſeven or more, to whom ſuch account given, ſhall out of the money ariſing by the toll or duty, make ſuch allowance unto ſaid treaſurer, collector, or overſeer, in conſideration of care and pains, as to them ſhall ſeem meet; ſo as ſuch allowance to ſuch treaſurer do not annually exceed in the whole twenty pounds, and to ſuch collector fifteen pounds, and to ſuch overſeers not exceeding one ſhilling for each pound ſuch overſeer or overſeers ſhall expend in amending ſuch road.

monthly accounts in writing on oath;

allowance to treaſurer 20l. a year,

collector 15l.

overſeer 1s. per £.

CXXXII. *ſect.* 5. It ſhall be lawful for ſaid overſeers, and ſuch perſons as they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, ſand, ſtones, or other materials, out of the ſeveral grounds of any perſons, not being an orchard, yard, planted walk or walks, lawn, or avenue to the manſion houſe of any perſon where any ſuch materials are or may be found, and from time to time to take and carry away ſuch and ſo much as ſaid overſeers in their reſpective places judge neceſſary for amending ſaid road, paying ſuch rates to owner or occupier as ſaid truſtees, or any ſeven adjudge reaſonable; and in caſe of any difference touching the damage, the juſtices at next general quarter ſeſſions, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

Overſeers may raiſe materials,

giving ſatisfaction.

CXXXIII. *ſect.* 6. It ſhall be lawful for the overſeers, and ſuch perſons as they appoint, from time to time, to remove and prevent annoyances on any part of ſaid road, or within twenty five feet of the centre, by filth, dung, aſhes, rubbiſh, water courſes, ſinks, or drains running into ſaid road, and to cleanſe any ditch or water-courſe adjoining, or which may be neceſſary to carry off the water therefrom, and to cut down, lop, or top any trees growing within twenty five feet of the centre, which are nearer to each other than fifteen feet, or any buſhes growing in ſaid roads, or in the hedges adjacent, at a height not exceeding five feet, the owners or occupiers neglecting to cut down ſuch trees, or buſhes, or to remove ſuch annoyances for ten days after notice in writing, under hands of ſeven truſtees, the charges whereof reimburſed by ſuch owners or occupiers neglecting to cut down or to remove ſuch annoyances; and if, after removal of any ſuch annoyances, any perſons again offend in like kind, every ſuch perſon being thereof convicted upon oath before one or more juſtices of peace for ſaid county, ſhall, for every offence forfeit and pay unto ſaid truſtees ten ſhillings, to be levied in manner aforeſaid.

Annoyances removed.

CXXXIV. *ſect.* 7. It ſhall be lawful for ſaid overſeers, by order of ſaid truſtees, or any ſeven or more, to cut and make drains through any grounds contiguous to ſaid road, and erect arches of brick or ſtone thereupon, and alſo to widen any of the narrow parts to any breadth not exceeding forty two feet in the clear, by opening, clearing, and laying into ſaid road any ground of any perſon contiguous, not being orchard, yard, planted walk, or avenue to the manſion houſe of any perſon, and alſo to cauſe ditches or trenches

Drains made, &c.

trenches to be made in ſuch places, and in ſuch manner as ſuch overſeers, by order of ſaid truſtees, or any ſeven or more, adjudge neceſſary for amending ſaid road, making ſuch reaſonable ſatisfaction for the damages as aſſeſſed and judged at next quarter ſeſſions for ſaid county of Louth, in caſe of any difference; and if any owner or occupier of any water-courſes, or ditches adjoining, neglect or refuſe to ſcour or clean, and to make ſuch ditches ſo deep, and in ſuch manner as ſurveyors adjudge proper and convenient, after eight days notice by ſuch overſeers, to ſuch owners or occupiers, it ſhall be lawful for the overſeers to ſet any men to work, to ſcour, or cleanſe, and make the ſame, and by warrant from any ſeven or more truſtees, to levy the charge upon the perſons goods, or eſtate of the owners, or occupiers of ſuch water courſes, or ditches, by diſtreſs and ſale of goods and chattles, rendering the overplus (if any) to ſaid owner or occupier, after all charges.

Satisfaction for damage.

CXXXV. *ſect.* 8. No perſons having occaſion to paſs through the gate where toll or duty taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, or gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, except carts and cars with wheels narrower than three inches, ſhall be liable or compellable the ſame day to pay the ſame toll or duty more than once.

Toll only once a day.

CXXXVI. *ſect.* 9. If any perſons having paid the toll or duty, and having ſuch note or ticket, ſhall give or diſpoſe of the ſame to any perſon to avoid payment of ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving ſuch note or ticket, and being thereof convicted upon oath, before ſaid truſtees, or any ſeven or more, or one or more juſtices for ſaid county, ſhall reſpectively forfeit and pay ten ſhillings; to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed by this act.

Giving tickets to avoid toll, 10s.

CXXXVII. *ſect.* 10. Said truſtees, or any ſeven, may, as they ſee convenient, compound or agree by the year or otherwiſe, with any perſon uſing to travel through ſaid turnpike, for any ſum paid quarterly, from time to time, after ſuch agreement made.

7 truſtees may compound.

CXXXVIII. *ſect.* 11. No perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through ſaid turnpike, who ſhall carry any quantity of ſtones, gravel, or other materials for repairing the ſaid road, or any of the roads in the ſaid county, nor ſhall any perſon be chargeable with ſaid toll or duty going to, or returning from any of the fairs or markets of Lurgan green; or for any carts or cars with ſix, three, or four inch wheels, loaded with corn in the ſtraw, flax, or hay only, or with turf only, in May, June, July or Auguſt, or with corn, flour, or meal, or potatoes, paſſing through ſuch gate towards Dundalk, or returning empty the ſame day, or with coals or cockles, limeſtone, or with dung, or other manures only; nor ſhall any toll or duty be demanded or taken at ſaid turnpike to be erected, for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt horſe carrying the mail or packet; nor ſhall any toll or duty be demanded or taken for horſes of ſoldiers paſſing upon their march, or for waggons, carts, or cars, or other carriages attending them, or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes; or with priſoners tranſmitted from one part of the kingdom to another.

Perſons exempted.

CXXXIX. *ſect.* 12. The toll or duty hereby granted ſhall take place and have continuance from the firſt of June 1774, for forty one years.

Continuance 41 years.

CXL. *ſect.* 13. For continuing a ſufficient number of fit perſons truſtees, it ſhall be lawful for ſaid truſtees, or any twelve or more, upon death or reſignation

Other truſtees to be appointed.

ſignation of any of the truſtees in this act, or of any perſon hereafter elected, from time to time, hereafter during the term aforeſaid, to elect, nominate, and appoint, in the room of ſuch truſtees, ſo many more fit perſons living in ſaid county of Louth, to be joined with ſaid truſtees, in the execution of all powers by this act; and all and every perſon and perſons ſo choſen truſtees, to join in putting this act in execution as they are herein before qualified to do, ſhall and may act to all intents and purpoſes, in as full and ample manner, as ſaid truſtees are by this act empowered to do, and ſo *toties quoties*.

Meeting of truſtees.

CXLI. *ſect.* 14. Said truſtees, or any twelve or more, ſhall meet at Dundalk the firſt Monday in June next in the ſeſſion houſe; and ſhall afterwards meet there, or any other place near ſaid road, that ſaid truſtees, or any ſeven or more ſhall think proper and convenient, as often as neceſſary for putting this act in execution, except where a greater number expreſsly required by this act; and ſaid truſtees, or any ſeven or more, ſhall meet at Dundalk on the firſt day of every ſpring and ſummer aſſizes every year, for granting money to amend ſaid road, and for the doing any other neceſſary buſineſs; and no money ſhall be granted at any board for amending ſaid road, unleſs it appear by affidavit of two credible perſons, who can read and write, that ſuch ſum is neceſſary to repair or make ſo many perches of ſuch road, at ſo much by the perch, and that a ſmaller ſum will not be ſufficient to repair or make the ſame; and no money ſhall be paid by the treaſurer to any overſeer, unleſs the ſaid overſeer maketh oath before a board, that ſaid ſum hath been faithfully and honeſtly expended in amending or making ſo many perches of ſaid road, and for his wages, at not more than twelve pence for each pound ſo expended; and that he did attend ſaid work diligently and carefully, and ſhall produce to ſaid board an account of the number of men, horſes, and cars, employed each day, and ſwear to ſaid account; and then, and not ſooner, ſaid board ſhall give order to ſuch overſeer on treaſurer for payment of ſaid account; and if there ſhall not appear at meeting, a ſufficient number of truſtees to act, and to adjourn, the treaſurer by notice in writing affixed on ſaid turnpike at leaſt twenty one days before next meeting, ſhall appoint ſaid truſtees to meet at the houſe where the meeting laſt appointed, or ſome other convenient houſe near ſaid road; and ſaid truſtees, at firſt and other ſubſequent meetings, ſhall defray their own charges and expences.

Power to ſhorten the road.

CXLII. *ſect* 15. It ſhall be lawful for ſaid truſtees, or any ſeven or more, to ſhorten or make more convenient, ſaid road, by laying it out, and making it in ſuch direction as they think proper, between Caſtle Bellingham and the White Houſe at Lurgan Green, by and with conſent of the ſeveral proprietors of the land through which ſuch new road ſhall be laid out, and not otherwiſe; and whenever ſuch new road ſhall be laid out, the ſame ſhall be made, and from time to time repaired, by the tolls by this act, and ſhall be thenceforth a part of ſaid turnpike road, ſubject to all the rules, proviſoes, and regulations to which the preſent road is by this act ſubject, and ſo much of the preſent road as ſhall be continued between the point where the ſaid new road ſhall begin, and the point where it ſhall end, ſhall from thenceforth ceaſe to be a part of ſaid turnpike road, or to be ſubject to any of the powers or regulations herein enacted, but ſhall be and ever continue to all intents and purpoſes, as if this preſent act never made.

No place of profit to truſtees.

CXLIII. *ſect.* 16. No perſons appointed truſtees for putting this act in execution, ſhall have, or accept of any place of profit, ariſing out of, or by reaſon

reaſon of the toll or duty by this act granted, but ſuch perſons ſhall be incapable from the time of accepting, and continuing to enjoy ſuch place of profit, of acting as a truſtee.

CXLIV. *ſect.* 17. If any ſuit commenced againſt any perſons, for any thing done in purſuance, the action ſhall be laid in county of Louth, and not elſewhere; and defendants may plead the general iſſue, and give this act and ſpecial matter in evidence at any trial, and that the ſame was done in purſuance and by authority of this act; and if it appear ſo, or that ſuch actions brought in any other county, the jury ſhall find for defendants, and upon ſuch verdict, or if plaintiff nonſuited, or diſcontinue after defendants appeared, or if on any demurrer judgment againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy, as any defendant hath in any other caſes by law.

Actions in Louth, general iſſue, &c. treble coſts to defendants.

CXLV. *ſect.* 18. This act deemed a publick act, and judicially taken notice of as ſuch, by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading.

A publick act.

CXLVI. *Stat.* 13 & 14 *Geo.* 3. *cap.* 31. *ſect.* 1. The tolls or duties of the road, by the recited act granted, ſhall take place, and have continuance from the 1ſt of May 1774, for and during 81 years.

Tolls and duties by 7 G. 3. c. 11. continued 81 years from 1 May 1774.

CXLVII. *ſect.* 2. Within a month after commencement of this act the truſtees ſhall cauſe an advertiſement to be publiſhed in the Munſter Journal, printed in Limerick, in which a day ſhall be appointed for a general meeting of truſtees, not leſs than fifteen days after ſuch publication, in Liſtowell; and in ſuch advertiſement it ſhall be declared, that the chief purpoſe of ſuch meeting ſhall be to receive propoſals from ſuch perſons as are willing to contract for making and repairing ſaid road, and keeping the ſame in good repair during the continuance of ſuch contract, in conſideration of having ſaid tolls and duties aſſigned and ſecured to ſuch perſons during continuance of the term, for which the tolls ſhall be granted by this act, or for ſuch part thereof as ſhall be agreed upon.

Advertiſements to meet to contract.

CXLVIII. *ſect.* 3. It ſhall be lawful for ſuch truſtees ſo aſſembled, or any number not leſs than fifteen, by writing under hand and ſeals, to farm and ſet ſaid tolls at ſuch annual rent as offered, to the higheſt and faireſt bidder, or to convey and aſſign for ſuch of the term for which the act ſhall have continuance, to ſuch perſons as ſhall oblige themſelves to make and repair ſaid road, and keep in complete repair during ſaid term, and ſhall give ſufficient ſecurity for performance, ſubject to ſuch reſervations, clauſes, reſtrictions, and agreements, as ſaid truſtees think fit.

15 truſtees may farm tolls.

CXLIX. *ſect.* 4. The preſent creditors, or two thirds in number and in the value of their debts, or perſons duly authorized under hands and ſeals of ſuch creditors, or two thirds, ſhall be actually preſent at ſuch meeting, and conſenting to ſuch agreement.

Two thirds of creditors preſent.

CL. *ſect.* 5. If by non-attendance of a ſufficient number of ſuch truſtees, creditors, or perſons authorized by them, or by any other fatality or chance, the truſtees not able to make ſuch agreement, they ſhall cauſe another advertiſement to be publiſhed in Munſter Journal as aforeſaid, appointing another meeting at Liſtowell, not leſs than fifteen days after ſuch advertiſement, and declaring the cauſes which rendered the former meeting ineffectual, and that the meeting then advertiſed ſhall be for the ſame purpoſes as the former, and ſo from time to time, till ſaid truſtees can have an effectual meeting for the

Advertiſe further meeting.

purpoſes aforeſaid; and ſaid truſtees, at ſuch ſecond or any ſubſequent meeting, ſhall have power to act, as they might at the former.

21 truſtees at meeting may execute a deed not to levy or erect turnpike.

CLI. *ſect.* 6. It ſhall be lawful for ſaid truſtees, or any number not leſs than twenty-one, at a meeting on a day appointed by advertiſement, as aforeſaid, at Liſtowell, to execute an inſtrument in writing, under hands and ſeals, declaring their having uſed their beſt endeavours to raiſe money for making and repairing ſaid road, and to carry the purpoſes of this act into execution, and that all their endeavours had proved ineffectual, and that from thenceforth they will not levy any tolls upon any part of ſaid road, nor erect any turnpike gate upon ſaid road, or any part.

Two thirds of creditors preſent.

CLII. *ſect.* 7. Provided the perſons who have advanced, or ſhall advance money for ſaid road, or two thirds in number and value of the ſums advanced, or ſuch perſons as ſhall be by them, or two thirds, duly authorized under their hands and ſeals, ſhall be preſent at execution of ſuch writing, and conſenting.

Depoſited with clerk of peace;

CLIII. *ſect.* 8. One part of ſaid deed ſhall be depoſited with clerk of peace of the county of Limerick, and another with the clerk of county of Kerry, and ſhall be kept among the records, and from the time ſaid inſtruments ſo depoſited, no gate ſhall ever after be erected, or tolls levied on ſaid road, or any part, by this, or ſaid former act, but ſaid road ſhall be conſtrued thenceforward as a publick road, to be made by preſentments of grand juries, as if this act and ſaid act never made.

no gate or toll afterwards.

Additional truſtees.

CLIV. *ſect.* 9. The truſtees, in conjunction with thoſe that are now truſtees for carrying this act into execution, with the ſame powers as veſted in the former.

7 Geo. 3. c. 1. in force, except as altered.

CLV. *ſect.* 10. The ſaid act, and all powers and authorities, articles, rules, penalties, and clauſes therein, except ſo much as hereby altered, ſhall be of full force and effect, and ſhall continue to be executed during ſaid term of eighty-one years, ſubject to the alterations by this act, as if the ſame were herein repeated; any thing in this, or ſaid former act, to the contrary notwithſtanding.

A publick act.

CLVI. *ſect.* 11. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and every other perſon whatſoever, without ſpecially pleading.

5 G. 3. c. 14. repealed, except the repealing clauſe, and what relates to county of Dublin.

CLVII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 32. *ſect.* 1. After 24th of June 1774, an act fifth of his preſent Majeſty, intitled, *an act for the more effectually amending the publick roads*, and every clauſe therein (except the clauſe for repealing ſeveral acts) and except ſuch part as relate to county of Dublin, ſhall be repealed, and made null and void.

After 24 June 1774, grand juries at any aſſizes may preſent for repair of publick roads; widening not above 38, nor under 21 feet clear.

CLVIII. *ſect.* 2. After the 24th June 1774, it ſhall be lawful for the grand jury of any county at any aſſizes, to preſent any publick road in ſuch county, or any part thereof, to be repaired, or any part of any publick road, which is not of the breadth of twenty-one feet in the clear, to be widened to any breadth not exceeding thirty-one feet, nor leſs than twenty-one feet in the clear; and alſo to preſent any new road, to be laid out and made from market town to market town, or from any market town to the ſea, through any part of ſuch county, except through deer park, or any field encloſed with a wall five feet high at leaſt, with lime and ſtones, or bricks, or through the houſe, offices, gardens, or orchards of ſix years growth, of any perſon who inhabits a houſe built with lime and ſtones, or bricks; and to appoint one or more perſons

ſons who can read and write, to overſee and carry into execution every ſuch preſentment; and further to preſent all ſuch ſums as ſhall appear neceſſary to be raiſed upon any barony or half barony, for which a high conſtable has been uſually appointed in ſuch county, to be expended in repairing, widening, or making any publick road in ſuch barony or half barony as aforeſaid; (which half barony ſhall be conſidered and charged as a barony) and in paying wages to the overſeer appointed as aforeſaid, after a rate not exceeding one ſhilling in the pound for each pound preſented, to be expended by ſuch overſeer.

Overſeers, half barony charged as a barony, overſeer's wages, not above 1s. in the pound.

CLIX. *ſect.* 3. No ſum ſhall be ſo preſented for repairing any road, unleſs an affidavit, ſworn by two credible perſons who can read and write, before one of the judges of aſſize, or any two juſtices for ſuch county, in the following form, be firſt laid before grand jury.

County of } *of and of do ſwear, that they have lately meaſured perches of the road from to between and all in the barony or half barony of in this county, and that it will require the ſum of effectually to repair the ſaid perches with gravel or ſmall ſtones, being at the rate of by the perch, which they verily believe is the leaſt the ſaid perches can be effectually repaired for.*

Affidavit for repair.

CLX. *ſect.* 4. And no part of ſaid money ſo preſented ſhall be paid on any preſentment for repair of any road by the treaſurer of any county, until the affidavit of one of the overſeers, who can read and write, appointed by the grand jury, ſworn before one of the judges of aſſize, in following form, allowed by grand jury and judge of aſſize.

County of } *Whereas the ſum of was preſented at aſſizes, in the year for ſaid county, to be expended in repairing perches of the road from to between and in the barony (or half barony) of at the rate of by the perch, and the ſum of for overſeer's wages, at pence for each pound. Now I of do ſwear, that I have expended, faithfully and honeſtly, the ſum of in repairing effectually with gravel or ſmall ſtones perches of the ſaid road; which ſum, with my wages, at pence for each pound, makes in the whole the ſum of and that every part of ſaid perches is twenty-one feet wide in the clear, within the ditches, drains, or fences, and is fourteen feet wide, with gravel or ſmall ſtones.*

Overſeer's affidavit before a judge.

Except where the road preſented is encloſed on both ſides with walls built with lime and ſtones, or bricks, and is not twenty-one feet wide between the ſame; in which caſe, inſtead of the words, *(twenty-one feet wide in the clear, within the ditches, drains, or fences)* ſhall be inſerted theſe words, *(encloſed on both ſides with walls built with lime and ſtones, or bricks, five feet high.)*

wherein incloſed with five feet walls.

CLXI. *ſect.* 5. And no money ſhall be ſo preſented for widening any publick road, unleſs an affidavit, ſworn by two credible perſons who can

read and write, before one of the judges of aſſize, or two juſtices for ſuch county in form following, be firſt laid before grand jury.

Affidavit for widening old roads.

County of } *of and of do ſwear, that they have lately meaſured perches of the road from to between and all in the barony (or half barony) of in the ſaid county, and that no part of ſaid perches is twenty-one feet wide in the clear of ditches, drains, or fences, or encloſed on both ſides with walls built with lime and ſtones, or bricks, five feet high, and that it will require the ſum of to widen the ſaid perches to the breadth of in the clear, and to make fences inſtead of thoſe which ſhall be taken down or deſtroyed in order to widen the ſame, being at the rate of by the perch, and that the ſaid ſum is a reaſonable charge, and is the leaſt, they verily believe, that ſaid work can be effectually done for.*

And no money ſhall be paid by treaſurer of any county on account of ſuch preſentment, unleſs an affidavit of one of the overſeers, ſworn before the judge of aſſize in form following, allowed by grand jury and judge of aſſize.

Overſeer's affidavit.

County of } *Whereas the ſum of was preſented by the grand jury of ſaid county at aſſizes, in the year to be expended in widening perches of the road from to between and all in the barony or half barony of in ſaid county, and the ſum of for overſeer's wages, at pence for each pound. Now I of do ſwear, that I have faithfully and honeſtly expended the ſum of in widening perches of ſaid road; which ſum, with my wages at pence for each pound, makes in the whole the ſum of and that every part thereof is now feet wide in the clear, of ditches, drains, or fences, and that new fences are made inſtead of thoſe that have been taken down or deſtroyed, in order to widen the ſame.*

Boundary road;

CLXII. *ſect.* 6. If any part of any publick road be the boundary between any two baronies in ſuch county, or any barony or half barony in ſuch county, and a barony or half barony in any adjoining county, ſo as that one ſide of ſuch road is in one barony or half barony, and the other ſide in another, it ſhall not be lawful for any grand jury to preſent more than half the ſum, neceſſary for repairing or widening ſuch road, and half the overſeers wages, to be raiſed on either of the baronies or half baronies between which ſuch part of ſaid road is the boundary; and in the affidavit to be made before the money can be preſented for repairing or widening ſuch road, and alſo by the overſeer before ſaid money can be paid, inſtead of the words *(all in the barony)* ſhall be inſerted theſe words *(which ſaid perches are the mearing between the baronies of and in ſaid county, or between the barony (or half barony of) in the ſaid county, and the barony of in the county of)* as the caſe ſhall happen; and no money ſhall be paid by the treaſurer of any county on account of ſuch preſentment, unleſs it alſo appear to the judge of aſſize, and grand jury, that an equal ſum hath been preſented to be raiſed for ſaid work on the adjoining barony.

equal preſentment on adjoining boundary.

CLXIII. *ſect.*

CLXIII. *sect.* 7. It shall be lawful for grand jury of any county, at any assizes, to present such sums as appear to them necessary, to lay out and make any new road through such county, or any part thereof, from market-town to market-town, or from any market-town directly to the sea, or to make fences thereto, not exceeding one shilling for each perch of such fence, to be raised either upon such county, and expended in laying out and making such new road, or in making fences and paying wages to overseers, after a rate not exceeding one shilling in the pound for each pound presented to be expended by such overseer, or upon any barony in such county, and expended in laying out and making any part of such new road or fences within such barony, and in paying wages to overseer after rate aforesaid.

Grand juries at assizes may present money for new roads from market to market, or the sea; fences not above 1s. per perch; 1s. per pound.

CLXIV. *sect.* 8. In every presentment for laying out any new road, the name of person requesting the same inserted; and no such presentment shall be made, unless it shall first appear by affidavit sworn before any two justices for such county, that a map of such new road has been deposited with the treasurer twenty-one days at least before first day of such assizes, to be inspected by all persons whom it may concern, (which map is to be kept by clerk of the crown among records of the county) and that either of the several owners or occupiers of the lands, through which such new road is to be made, have consented thereto, or else that no part of such intended new road is to be made through the deer park of any person, or through any field enclosed with a wall five feet high at least, built with lime and stones or bricks, or through the house, offices, gardens, or orchards of six years growth, of any person who inhabits a house built with lime and stones or bricks, without consent of owner; and that a notice, setting forth, that an application is intended to be made next assizes for a presentment to lay out a new road from to distinguishing the several lands and baronies or barony in such county, and the number of perches it is to be made through each town land, has been personally served upon or left at the house of each occupier of the land, through which the same is to be made, in such county, twenty-one days at least previous to first day of such assizes, and that another such notice has been posted upon the door of county court house, seven days at least previous to first day of assizes.

Person requesting named in presentment for new road; affidavit before two justices of a map deposited 21 days before assizes for inspection; distinguishing the lands and baronies, and number of perches, personal, or at each occupier's house, 21 days before assizes, and posted on court-house door 7 days before.

CLXV. *sect.* 9. No money shall be presented for any new road, unless an affidavit, sworn by two credible persons who can read and write, before one of the judges of assize, or two justices for such county, in form following, first laid before grand jury.

Affidavit for money.

County of } *of and of do swear that it will require the sum of to make perches of the new road lately laid out from to between and all in the barony of in said county, thirty feet wide in the clear at the least, and fourteen feet wide at the least, with gravel or small stones, being at the rate of by the perch, which they verily believe is the least the said perches can be effectually made for.*

And no part of the money so presented shall be paid on account of such presentment by the treasurer until affidavit of one of the overseers, who can read and write, appointed by grand jury, sworn before one of the judges of assize in following form, allowed by grand jury and judge of assize.

County

Overſeer's affidavit.

County of } *Whereas the ſum of was preſented at aſſizes in the year for ſaid county, to be expended in making perches of the new road from to between and all in the barony of at the rate of by the perch, and the ſum of for overſeer's wages, at pence for each pound. Now I of do ſwear, that I have expended faithfully and honeſtly the ſum of in making perches of the ſaid new road, and that the ſaid perches are thirty feet wide at the leaſt in the clear, within the ditches, drains, or fences, and were effectually made fourteen feet wide at the leaſt, with gravel or ſmall ſtones, between the 25th day of March and the 25th day of Auguſt, in the year which ſum with my wages at pence for each pound, make in the whole the ſum of*

And no money ſhall be paid by treaſurer on account of any preſentment for fences, unleſs it ſhall appear to the grand jury by affidavit of one of overſeers, ſworn before judge of aſſize, that the number of perches of fences preſented, has been made purſuant to ſaid preſentment; and unleſs ſaid affidavit allowed by grand jury and judge of aſſize.

Traverſe the ſame aſſizes;
tried at the ſame or the next,
unleſs cauſe;
verdict of damage concluſive;
on payment of depoſite, overſeer may proceed;

CLXVI. *ſect.* 10. Any perſon aggrieved by any preſentment for any new road, may traverſe at ſame aſſizes in which ſuch preſentment made, and ſuch traverſe may be tried at ſaid aſſizes, and if not then, ſhall be tried at aſſizes next enſuing, unleſs good cauſe to the contrary; and the jury, who ſhall try the traverſe, ſhall true verdict give, whether any and what damages will accrue thereby to ſuch perſon, which verdict ſhall be concluſive to ſuch perſon; and upon the ſum ſo found for damages being paid, or depoſited with treaſurer for his or her uſe, it ſhall be lawful for the overſeer to proceed and lay out, or make, ſuch new road purſuant to preſentment without interruption of ſuch perſon; and it ſhall be lawful for grand jury to preſent at diſcretion the ſum, ſo found for damages, to be raiſed upon the county, or barony or baronies through which ſaid road made, in proportion to the length it ſhall be made through each barony; and that the grand jury of any county may alſo preſent any old road, or any part thereof, to be ſtopped up, where any new road to anſwer purpoſes of the old one hath been or ſhall be made, except ſuch old roads concerning which ſuits now depending in law or equity.

preſented on county or baronies;

old road ſtopped,

ſave where ſuits depending.

Traverſe thereof the ſame or next aſſizes;
tried,
or preſentment confirmed.

CLXVII. *ſect.* 11. It ſhall be lawful for any perſon aggrieved by ſuch preſentment for ſtopping up any old road, to traverſe at ſame, or next aſſizes after ſuch preſentment made; ſuch traverſe ſhall be tried by a jury; and in caſe ſuch preſentment not traverſed, or, if traverſed, a verdict found for preſentment, ſuch preſentment ſhall be confirmed.

Veſtries in cities (except Dublin and Cork) and in boroughs and Lurgan, may aſſeſs inhabitants for paving, gravelling, and cleanſing ſtreets, or for lamps;
may appoint applotters,
at 12d. per pound.

CLXVIII. *ſect.* 12. The veſtries of the ſeveral pariſhes in cities (except Dublin and Cork) and corporate or borough towns, and in the market town of Lurgan, may, if they think fit, preſent ſuch ſums as they think neceſſary, to be raiſed upon inhabitants of ſuch pariſhes reſpectively, living within bounds of ſuch cities and towns, for paving, gravelling, and cleanſing the ſeveral ſtreets or lanes through ſuch part of every ſuch pariſh as is in ſuch cities and towns, or for lamps, to enlighten the ſtreets or lanes; and alſo to appoint proper perſons to applot and levy the ſums ſo preſented by ſaid veſtry, and to allow ſaid perſons not exceeding twelve pence each pound ſo applotted and levied, for their trouble, and to appoint proper perſons to be directors or overſeers

overſeers for expenditure of the money ſo preſented, who ſhall be obliged to account upon oath to the veſtry of ſuch pariſh for the ſame, and to allow ſaid perſons any ſum, not exceeding two ſhillings, each day every ſuch director or overſeer neceſſarily employed in directing or overſeeing ſuch work: provided no perſon ſhall have a right to vote at any ſuch veſtry, until he have taken the following oath, if required by any pariſhioner, which oath the miniſter or curate of ſuch pariſh is impowered to adminiſter:

and directors accountable on oath, at 12d. per day;

oath at veſtry if required.

I *A. B. do ſwear, that I am a houſholder of this pariſh, and that I live within the bounds of this city or town, and that I am worth one hundred pounds over and above all the debts I owe, and that I am not a tenant at will for the houſe I live in.*

CLXIX. *ſect.* 13. Every owner or driver of any cart, car, dray, or waggon, the wheels of which of leſs breadth or gauge than three inches at leaſt, from ſide to ſide, at the bottom or ſole, when worn, and when the ſtraiks or iron, with which ſuch wheels are bound, ſhall be ſet on with ſprigs or high-headed nails, ſhall forfeit five ſhillings and five pence, as alſo ſuch car, cart, dray, or waggon, whenever any ſuch ſhall be uſed or drawn on any publick road, to the perſon ſeizing the ſame; for the recovery whereof it ſhall be lawful for any perſon to ſeize any ſuch carriage, as alſo any horſe or beaſt of draft in ſuch car, cart, dray, or waggon, with all harneſs or accoutrements belonging, with all convenient ſpeed, deliver up ſaid horſe, or beaſt of draft, into cuſtody of conſtable, pound-keeper, or pariſh-officer of the ſame, or adjacent pariſh or liberty, where ſuch ſeizure made, who are hereby required to receive and retain twenty four hours, unleſs ſooner delivered by warrant from a juſtice of the county where ſuch ſeizure made, in manner hereafter directed; provided, the perſon ſo ſeizing, ſhall, within twenty four hours, make oath before ſome juſtice of ſuch county, who being ſatisfied ſuch offence has been committed, ſhall iſſue his warrant, under hand and ſeal, to conſtable, pound-keeper, or pariſh-officer, in whoſe cuſtody ſuch horſe or beaſt of draft is, requiring to deliver unto the perſon named in ſuch warrant, he firſt paying to ſuch conſtable, pound-keeper, or pariſh-officer, one ſhilling for each horſe or beaſt of draft, for his trouble in detaining; and upon delivery of ſuch diſtreſs to the perſon named in ſuch warrant, the ſame ſhall be to the ſole uſe of the perſons ſo named, unleſs owner of ſaid beaſts at time of ſuch ſeizure, ſhall before delivery of the ſame pay the perſons named in ſuch warrant, five ſhillings and five pence; on payment whereof ſaid conſtable, pound-keeper, or pariſh-officer, ſhall deliver ſuch beaſts, with all harneſs, to owner, paying ſaid conſtable, pound-keeper, or pariſh-officer, one ſhilling each beaſt for his care and trouble; and if any perſon ſhall hinder, or with force obſtruct ſeizing or carrying off any ſuch ſeizure or diſtreſs for the aforeſaid offence, or any of them, or refuſe the ſame, or uſe any violence to any perſon concerned in making ſuch ſeizure or diſtreſs, every perſon ſo offending ſhall, upon due proof upon oath before any one juſtice where offence committed, forfeit for every ſuch offence forty ſhillings, to the perſon obſtructed; levied by diſtreſs and ſale of offenders goods and chattles, by warrant of ſuch juſtice under hand and ſeal; and collectors or receivers of tolls and cuſtoms in cities, towns-corporate, market towns or fairs, or of bridges (for paſſage over which tolls are paid) are required and impowered to demand and levy from all perſons double the tolls or

Damage by narrow wheels and ſprigs, carts, &c. with wheels under 3 inches, and with ſprigs, forfeited, with 5s. 5d. to ſeiſor;

horſe and accoutrements delivered to pariſh officer,

kept 24 hours unleſs a warrant to deliver on oath by ſeiſor in 24 hours, juſtice's warrant to deliver;

1s. fee each horſe, unleſs payment by owner;

obſtructing to reſcue penalty 40s. on oath before one juſtice,

double toll or cuſtom, if wheels not 3 inches broad, or ſet on with ſprigs;

or cuſtoms, they are, by the laws now in force or by uſage, enabled to receive, who carry any goods, liable to pay any ſuch tolls or cuſtoms, in or through any city, town corporate, or market town, or fairs, or over any ſuch bridges, upon any car, cart, dray, or waggon, which ſhall not have the wheels of the breadth or gauge of three inches at the leaſt from ſide to ſide at the bottom or ſole, when worn, or in caſe the ſtraiks or iron, with which the wheels thereof are bound, ſhall be ſet on with ſprigs or high-headed nails; and if it appear, upon due proof by one witneſs, upon oath before any one juſtice where ſuch collectors or receivers employed to collect the tolls or cuſtoms, that ſuch collector or receiver hath not obliged the owner or driver to pay ſuch double tolls or cuſtoms, ſuch collector or receiver, knowingly ſo offending, ſhall forfeit five pounds for every ſuch offence, levied by diſtreſs and ſale of goods and chattles, by warrant of ſuch juſtice under hand and ſeal, one moiety for uſe of informer, the other for the county infirmary; and collectors of tolls of turnpike gates, are impowered and required to oblige owner or driver of every ſuch car, cart, dray, or waggon, to pay thirteen pence toll at every turnpike gate, which if ſuch gate keeper ſhall neglect to do, it ſhall be lawful for any juſtice of the county in which ſuch turnpike-gate is, by warrant under hand and ſeal, to order any ſum not exceeding twenty ſhillings, to be levied off the goods and chattles of ſuch gate keeper for every ſuch offence, on due proof by one witneſs upon oath before ſuch juſtice, or upon his own view; and the owner or driver of any waggon, wain, cart, or carriage with four wheels, the breadth thereof not leſs than ſix inches at the ſole or bottom, and the ſtraiks ſet on with flat headed nails, and the fore axle tree of ſuch waggon, wain, or cart, or carriage, being ſo much ſhorter than the hind, that the wheels of ſuch carriage ſhall roll, at leaſt, ten inches of the road in breadth on each ſide of ſuch carriage, and the wheels thereof placed at ſuch diſtance from each other, that the ſpace between the middle of the one track by ſuch wheels, and the middle of the other, ſhall be from four feet ten inches to five feet, ſhall not be obliged to pay more than two pence toll for any ſuch waggon, wain, cart, or carriage with four wheels, at any turnpike gate for paſſing on any turnpike road in this kingdom in the ſame day; and owner or driver of any cart with two ſuch wheels, drawn by not more than two horſes, or mules, or of any car or cart with two wheels, the breadth thereof being four inches at the bottom or ſole, when worn, and the ſtraiks thereof being ſet on with flat-headed nails, ſhall not be obliged to pay more than one penny toll, for paſſing on any turnpike road the ſame day; it being the intention of this act, that the owners or drivers of ſuch carriages with four and two wheels, ſhall not be obliged to pay more than once the ſame day, at any gate on the ſame turnpike road or diviſion, upon their producing a ticket from the gate-keeper of the firſt gate they paſſed through.

collectors, &c. not levying double toll forfeit 5l. on oath before a juſtice,

to informer and infirmary;

13d. toll at turnpikes;

penalty on gate-keepers not above 20s. on oath before a juſtice, or his view;

4 wheel carriages not under 6 inches broad, ſet on with flat nails, rolling ten inches ſide, the middle ſpace from 4 feet 10 inches to 5 feet, pay only 2d. turnpike;

2 wheel carts with 2 horſes, &c. or cars with 4 inch wheels and flat nails, pay 1d. once a day on producing a ticket.

CLXX. *ſect.* 14. It ſhall be lawful for grand jury of any county at aſſizes, that ſuch ſums of money, as they think neceſſary, ſhall be raiſed upon ſuch county at large, to be expended in building, rebuilding, enlarging, or repairing the ſeſſions-houſe, gaol, work-houſe, or houſe of correction, or any bridge, or part of a bridge, or any gullet or pipe under any road, or any wall or part of a wall, neceſſary to ſupport any road, or for gravelling or filling over any ſuch bridge, gullet, or pipe; and alſo for wages of overſeer of ſuch work, not exceeding twelve pence each pound by him expended agreeable to ſuch preſentment; provided no money ſhall be ſo preſented unleſs it

County preſentment for ſeſſions, gaol, or workhouſe, bridge, gullet, pipe or wall,

and overſeer's wages not above 12d. per £.

it ſhall appear by affidavit of two credible perſons who can read and write, ſworn before one of the judges of aſſize, or any two juſtices of ſuch county, that the ſum is a reaſonable charge, and that the work is neceſſary and cannot be effectually executed for a ſmaller, to the beſt of their judgment; and provided, if the affidavit ſhall be for building a new ſeſſions-houſe, gaol, work-houſe, or houſe of correction, or bridge, or rebuilding an old one, a plan and eſtimate of the work be annexed to ſuch affidavit, in which the following words ſhall alſo be inſerted after the words (ſmaller ſum) *according to the plan and eſtimate hereunto annexed*; and no preſentment for any new bridge ſhall be confirmed, unleſs it firſt appear to ſuch judge, that an affidavit and eſtimate for ſuch new bridge had been laid before grand jury at laſt aſſizes, and certified by the foreman, that the ſame had been read unto ſuch grand jury; but this ſhall not extend to new bridges preſented, inſtead of old ones carried away or deſtroyed; and the whole ſum ſo preſented, ſhall not be paid by treaſurer of any county on account of any ſuch preſentment, until it appear to grand jury, and the judge, by affidavit of one of the overſeers, who can read and write, ſworn before one of the judges, that ſaid ſum ſo accounted for hath been faithfully and honeſtly expended in execution of the work, for which granted, to the beſt of his ſkill and judgment; and until ſaid account allowed by grand jury, and judge of aſſize; and where any preſentment exceeding one hundred pounds ſhall be granted for building, rebuilding, or repairing of any ſeſſion-houſe, gaol, work-houſe, or houſe of correction, or any bridge, the judge is impowered to order ſuch part of any ſuch preſentment to be paid by treaſurer to overſeer, on overſeer's affidavit allowed by grand jury, that as much of the work is done according to preſentment as amounts to the ſum required; which ſum is hereby limited not to exceed two thirds of the preſentment; provided the overſeer gives ſecurity before one of the judges of aſſize to finiſh the work purſuant to preſentment.

on affidavit by 2 before a judge or 2 juſtices, of reaſonable charge and work neceſſary;

eſtimate annexed to affidavit;

foreman's certificate of affidavit and eſtimate for new bridge,

except where old bridges deſtroyed,

overſeer's affidavit of expenditure before a judge,

and account allowed;

where preſentment above 100l. for ſeſſion houſe, &c. the judge may on overſeer's affidavit allowed, order payment of part not above 2-3ds;

ſecurity by overſeers to finiſh.

CLXXI. *ſect.* 15. It ſhall not be lawful for the grand jury of any county to preſent more than half the ſum, that ſhall appear by affidavit of two credible perſons, ſworn before judge of aſſize, or two juſtices of ſuch county, neceſſary for building rebuilding, or repairing of any bridge, gullet, or pipe, or filling or gravelling over the ſame, which is the boundary between ſuch and any adjoining county, and half overſeers wages raiſed upon ſuch county; and in the affidavits made before the money can be preſented or accounted for, inſtead of the words [*in ſaid county*] ſhall be inſerted theſe words: [*which is the boundary between this county and the county of*] And no money ſhall be paid by treaſurer on account of ſuch preſentment, unleſs it ſhall alſo appear to the grand jury, and the judge, that an equal ſum hath been preſented for ſaid work on adjoining county; and any juſtice of any county, having an eſtate in freehold in lands, tenements, or hereditaments, of the clear yearly value of one hundred pounds at leaſt, within ſuch county, may, under hand and ſeal, order any ſum not exceeding five pounds, to be expended in repairing any bridge on a publick high road, ſeſſion-houſe, houſe of correction or gaol, within ſuch county, ſuddenly damaged, and which ought to be repaired by ſuch county; provided it appear to him, by affidavit of two credible perſons, who can read and write, that the repair of ſuch cannot be delayed to next aſſizes without prejudice to the county, as they verily believe; and ſaid juſtice may alſo appoint proper overſeers to repair the ſame, and the grand jury of every ſuch county is impowered to raiſe

Where bridge or gullet a boundary half preſented,

and half wages;

where equal preſentment on adjoining county;

a juſtice having 100l. a year freehold in the county, may order 5l. for repair of bridge, houſe of ſeſſion or correction, or gaol ſuddenly damaged, on affidavit of two of prejudice by delay,

and appoint overſeers,

preſented next aſſizes on the county, on producing the affidavit, warrant, and affidavit of expenditure;
and on affidavit by two houſholders, ſaid juſtice may order 40s for repairing bad ſteps; and appoint an overſeer;

preſented on barony, ſame requiſites as by bridge overſeers;
only one order for bridge or road between aſſizes;
100l. a year freehold in the barony for a road;
affidavit by juſtice of view before order, &c.

raiſe by preſentment next aſſizes the ſum ſo expended in repairing any ſuch bridge on a publick high road, ſeſſion houſe, houſe of correction or gaol, upon any ſuch county at large, to be paid to overſeers ſo appointed by ſuch juſtice, upon producing ſuch affidavit as before mentioned, and ſuch warrant under hand and ſeal of ſaid juſtice, as alſo an affidavit ſworn by one or more of ſuch overſeers before the judge of aſſize, that he or they have faithfully and honeſtly expended the ſum ſpecified in ſaid affidavit, in repairing ſuch bridge, ſeſſion-houſe, houſe of correction or gaol; and any juſtice qualified as aforeſaid, upon affidavit of two ſubſtantial houſholders, who can read and write, may in like manner order any ſum, not exceeding forty ſhillings, to be expended in repairing any hole or bad ſtep, which may happen in any road by a ſudden fall of rain, or other accident, and appoint an overſeer to repair; and grand jury of every county are empowered to raiſe by preſentment upon the barony in which ſuch road is, the ſum ſo expended, on ſuch overſeers performing ſuch requiſites as overſeers of bridges are required to perform; provided no juſtice ſhall make above one ſuch order for any bridge or road between aſſizes and aſſizes, nor for any road in any barony in which he has not a freehold of clear yearly value of one hundred pounds; and alſo no money ſhall be paid by any treaſurer to any overſeer, appointed by any juſtice in manner aforeſaid, unleſs it ſhall firſt appear to grand jury and judge, by affidavit of ſuch juſtice, that he viewed ſuch bridge or road, before he gave any orders for repairing; and that the repair ſeemed to him neceſſary; and that he viewed the ſame, ſince it was repaired; and that the work ſeemed well executed, and the whole of the money honeſtly expended, and that he has an eſtate of freehold in the county (if the order was for a bridge, gaol, ſeſſion-houſe, or houſe of correction) or in the barony (if the order was for a road) of the clear yearly value of one hundred pounds, and that he made only one ſuch order ſince laſt aſſizes.

On overſeer's death before account, and affidavit of expenditure, payment by treaſurer.

CLXXII. *ſect.* 16. Whenever the overſeer, appointed by the grand jury for any work preſented, ſhall happen to die, before he has accounted, and after a part or the whole of the money preſented hath been expended by him in the execution, in caſe an affidavit ſworn by any credible perſon, who can read and write, before the judge, in the form preſcribed by this act for the overſeers to have ſworn, be allowed by grand jury and judge of aſſize; in which affidavit, inſtead of the words [*I have faithfully and honeſtly expended*] may be inſerted theſe words, [*to the beſt of his belief and opinion was expended by who is now dead*] the money declared by ſaid affidavit to have been expended, together with wages, if preſented, ſhall be paid by the treaſurer; any thing herein to the contrary notwithſtanding.

Re-preſentment of money in treaſurer's hands for other work in ſuch barony or county;

power to erect bridges in place of ferries with like toll;
cities and corporations excepted.

CLXXIII. *ſect.* 17. Whenever any ſum preſented, ſhall not be expended agreeable to ſuch preſentment, and accounted for within a reaſonable time after, it ſhall be lawful for grand jury to re-preſent ſuch ſum then in treaſurer's hands, to be expended on ſome other work in the barony, upon which the former was preſented; or in the county, if raiſed upon the county; and it ſhall be lawful for any perſons, who have any ferry over any river, excepting cities and towns corporate, to erect and ſupport a bridge, at their own expence, over ſuch river, in place of ſuch ferry, and to take and receive for paſſing ſuch toll, and no more, as they are entitled to receive for paſſing ſuch ferry.

Overſeers not to raiſe materials on ſea ſhore, where a

CLXXIV. *ſect.* 18. It ſhall not be lawful for overſeers of any road, bridge, or wall, to ſearch for, dig, raiſe, or carry away any gravel, ſtones, ſand,

ſand, or other materials, from any beach or ſea ſhore, which is a publick road, or a bulwark, or defence to any towns or publick roads adjoining; and every perſon convicted thereof, on oath of any one credible witneſs, before any one juſtice within his juriſdiction, ſhall for every offence forfeit five ſhillings for every cart or car load of ſuch materials, ſo dug, raiſed, or carried away; any thing in this act to the contrary notwithſtanding.

publick road or bulwark, penalty 5s. per load, on oath of one witneſs before a juſtice.

CLXXV. *ſect.* 19. It ſhall be lawful for grand jury at aſſize, by preſentment to raiſe ſuch ſum as they think fit, not exceeding five pounds, on ſuch county at large, for paying a ſecretary for trouble in drawing and entering preſentments, and attending ſuch grand jury during aſſizes; and alſo not exceeding five pounds, for an interpreter at ſuch aſſizes; and alſo not exceeding ten pounds in the whole, to the clerk of crown, in lieu of fees for perſons diſcharged at ſeſſions and aſſizes, and for attendance at aſſizes; and alſo not exceeding ten pounds in the whole, to clerk of peace of ſuch county, for trouble in executing ſaid office; and alſo not exceeding one hundred pounds, for an accurate ſurvey and map of ſuch county; and alſo any ſum neceſſary for paying one half-year's rent of the court houſe or ſeſſion-houſe, gaol, workhouſe, or office for keeping records of ſaid county, where ſuch office is taken and rented for that purpoſe by the grand jury; and alſo any ſum, not exceeding twenty pounds, for the building or repairing of gallowſes, or for bolts, ſhackles, ſtocks, whipping-poſts, ducking-ſtools, or pillories, or cleanſing of neceſſary houſes of gaols, or for mile-ſtones, or finger-poſts; and alſo any ſum neceſſary for conveying any priſoner accuſed of capital offences to county gaol, ſo as the ſame do not exceed ſix pence each mile every ſuch priſoner ſhall be ſo conveyed; and alſo for recovering publick money from treaſurers, collectors, or receivers, their executors, adminiſtrators, or ſureties, upon ſuch bills of coſt being laid before grand jury, and verified by affidavit ſworn in court.

Preſentment for ſecretary not above 5l.

and 5l. for interpreter,

10l. for crown clerk in lieu of fees and attendance;

10l. to clerk of peace,

100l. ſurvey and map,

for half year's rent of office for records; not above 20l. for gallows, bolts, &c. for conveying priſoners not above 6d. per mile;

and for recovering publick money on bills of coſts veri-fied by oath in court.

CLXXVI. *ſect.* 20. No money ſhall be paid by treaſurer for or upon account of any ſuch preſentment, (except for ſalaries of the ſecretary to grand jury, clerk of crown and peace, or for rent) until it ſhall appear to grand jury and judge of aſſize, by affidavit of one of the perſons to whom ſuch ſum granted, ſworn before one of the judges, that ſuch ſum hath been faithfully and honeſtly expended, agreeable to the preſentment.

No payment without affidavit of expenditure by one of the perſons, ſalaries and rent excepted.

CLXXVII. *ſect.* 21. Grand jury of each county ſhall every year appoint a proper perſon high conſtable for each barony or half barony, for which high conſtables heretofore appointed; and alſo four proper perſons to be ſub-conſtables for every ſuch barony or half barony, to aſſiſt in carrying this act into execution; and to preſerve the peace at aſſizes, ſeſſions, elections, and at all times in ſuch county; and may, if they think proper, each aſſizes preſent any ſum not exceeding eight pounds, to be raiſed upon ſuch barony or half barony, to be paid to ſuch four ſub-conſtables for trouble in executing ſaid office, by the treaſurer upon producing a certificate from clerk of peace, that they had at ſome quarter ſeſſions, or adjournment thereof, ſince their appointment, duly qualified, agreeable to an act of queen Ann, entitled, *An act to prevent further growth of popery*; and grand jury of every county may each aſſizes appoint a proper perſon to collect the money preſented to be raiſed upon each barony or half barony, as alſo the proportion of ſuch barony or half barony preſented to be raiſed on the county at large, and may preſent any ſum, not exceeding nine pence in the pound, to be raiſed and paid as wages for collecting, on producing treaſurer's certificate of having

Grand juries yearly to appoint high conſtables for baronies, where formerly appointed, and four ſub-conſtables,

and may preſent 8l. for their trouble;

paid on certificate of qualifying as by 2 Ann, c. 6.

grand juries may appoint collectors,

and preſent 9d. per pound wages, on treaſurer's certificate;

collector's bond and warrant with two ſureties; approved at aſſizes or ſeſſions; to collect and pay by 2d day of next aſſizes; collectors may appoint deputies for whom anſwerable; on failure of appointment, or of ſecurity, the high conſtable deemed collector; and on ſecurity intitled to wages; conſtables to aſſiſt in levying publick money; penalty on oath before two juſtices not above 10l. levied with charges by diſtreſs on warrant of two juſtices.

having paid the ſame purſuant to his recognizance; provided, the ſaid ſum preſented as wages ſhall not be raiſed, unleſs the perſons who ſo collect, enter into a bond, with warrant, with two ſufficient ſureties to the treaſurer, to be approved by grand jury at aſſizes, or by juſtices at ſeſſions, for collecting and paying all ſuch publick money as they are required to collect, to ſuch treaſurer, on or before the ſecond day of next aſſizes; and every collector appointed as aforeſaid, may by writing under hand and ſeal, appoint deputy to aſſiſt him in collecting the publick money, for whom he ſhall be anſwerable; and in caſe the grand jury neglect or omit to appoint a collector for any barony, or a collector appointed ſhall fail to give ſecurity; the high conſtable ſhall to all intents and purpoſes, be deemed collector within his diſtrict; and ſhall in like manner, on giving ſecurity, and not otherwiſe, be entitled to receive the ſum, preſented as wages, for his trouble in collecting; and the ſeveral conſtables of each county are required to aid and aſſiſt the collectors, or deputy collectors, or high conſtable of ſuch county, in collecting the publick money ſo preſented, as alſo all perſons impowered to levy publick money; which, if any conſtable, ſo required, ſhall refuſe, every ſuch conſtable ſhall upon conviction by oath of two credible witneſſes before any two juſtices of the county, city, or town corporate, where ſuch offence committed, forfeit for every ſuch offence, a ſum not exceeding ten pounds, levied, with the charges, by diſtreſs and ſale of the goods of offender, by warrant of any two juſtices for ſuch county, city, or town corporate, where offence committed; and all perſons impowered to levy or collect publick money, ſhall and may levy the ſame by diſtreſs and ſale of goods and chattles of all ſuch perſons who refuſe to pay; and after ſale of ſuch diſtreſs, retain the money which ſaid perſon ought to pay, rendering the overplus (if any) after deducting one ſhilling in the pound for the trouble of levying, or one ſhilling every warrant.

Crown clerks to file affidavits, maps, plans, and eſtimates, in four days after aſſizes, give copies of preſentments and queries diſcharged, ſigned by them, penalty 5l. by civil bill; return to grand juries all preſentments and queries not accounted for and diſcharged, or incapacited. Treaſurer to give copies of preſentments to overſeers on demand, or ten days after; account on oath every aſſizes, lay before grand jury the laſt day of aſſizes, or ſooner if required, entered on county book with remarks, no compoſition or deduction;

CLXXVIII. *ſect.* 22. Clerks of crown ſhall file, and keep amongſt the records of each county within his province, all affidavits, maps, plans, and eſtimates purſuant to this act, and within four days after every aſſizes, deliver to the treaſurer, without fee or reward, copies of all preſentments at ſaid aſſizes, and alſo of all queries diſcharged, ſigned by himſelf; and for every default ſhall forfeit five pounds, recovered by any perſon who ſhall ſue by civil bill; and ſuch clerk of crown ſhall alſo, every aſſizes, deliver to grand jury, a true and faithful return of all queries and preſentments, not duly accounted for and diſcharged; and if he ſhall wilfully neglect, he ſhall upon conviction by evidence to ſatisfaction of the court, be incapable of acting in ſaid office; and the treaſurer ſhall give copies of ſuch preſentments, as he ſhall receive from clerk of crown, to any of the overſeers in ſuch preſentment, or their order, on demand, or within ten days after ſuch overſeer ſhall apply, without fee or reward; and every treaſurer ſhall make up his accounts, upon oath, of all receipts and payments, every aſſizes, and lay them, fairly written, the laſt day of aſſizes, or ſooner, if required, before grand jury of ſuch county where appointed treaſurer, to be viewed, allowed, or diſapproved by ſaid grand jury, who ſhall cauſe the ſame to be entered in county book, with ſuch remarks as they think fit; and no treaſurer ſhall compound for any money, nor make any deductions whatſoever, for any ſum, he ſhall pay to any perſons, but ſuch as he ſhall account for; and if the treaſurer of any county offend herein, or neglect to make up accounts as aforeſaid, or to keep an office open every day (Sunday excepted) for four-

teen

teen days immediately after every aſſizes, from nine 'till three in the afternoon, in the town wherein aſſizes laſt held; or ſhall during that time refuſe to pay amount of all queries diſcharged without fee or reward (if he ſhall have publick money to pay the ſame) he ſhall be fined by the judge, or committed, without bail or mainprize, to county goal, at diſcretion of ſuch judge.

office open 14 days, except Sundays, next after aſſizes, from 9 to 3 in aſſize town; penalty, fine or impriſonment.

CLXXIX. *ſect.* 23. Treaſurer of each county ſhall, within one month after he received ſuch copies of preſentments, iſſue warrants to the perſons who under proviſion in this act, are to be collectors for levying the ſums raiſed off each barony or half barony, in order to anſwer the preſentments at ſuch aſſizes, which ſums every perſon, to whom ſuch warrant is directed, is impowered and required to raiſe and levy, and to pay to the treaſurer, on or before the ſecond day of next aſſizes; and in caſe any perſon ſhall refuſe to pay proportion thereof, ſuch perſon as impowered to collect the ſame, ſhall and may levy the ſame by diſtreſs and ſale of goods and chattles of ſuch perſon, rendering the overplus, if any, after deducting twelve pence each pound, for his trouble; and in every ſuch warrant ſhall be inſerted the names of the manors, pariſhes, or denominations in that portion of the county, which ſuch perſon is to collect from, as is contained in county book, and alſo the whole ſum to be collected, and the portion thereof which each manor, pariſh, or denomination is to pay, according to its contents in county book, or as uſually rated.

Treaſurer, in a month after receiving copies, ſhall iſſue warrant to collectors;

payment to treaſurer by ſecond day of next aſſizes;

collectors may diſtrain,

fee 12d. per l.

the whole ſum and portion of each, as in county books, or as uſually rated.

CLXXX. *ſect.* 24. And whereas it has been found very difficult to aſcertain the proportion each perſon is to pay: every perſon impowered to receive the ſame, to whom ſuch warrant ſo ſent, ſhall, within ten days after he receive ſuch warrant, deliver or ſend to the ſeneſchal, rector, vicar, curate, or church-wardens of each manor, pariſh, or denomination of land in ſuch warrant, or in caſe there be no ſeneſchal, rector, vicar, or curate, or church warden, then to any principal reſiding inhabitant (if required ſo to do by any two landholders of any ſuch manor, pariſh, or denomination of land, or if he find it neceſſary) an account in writing, ſigned by himſelf, of the ſum he is required by ſaid warrant to levy, and to deſire that the ſaid ſum may be applotted thereon; and every perſon, who ſhall receive ſuch account, is required (under penalty of ten pounds, recovered by civil bill, before judges of aſſize, by any perſon who ſhall ſue) to poſt up within ſix days after receipt thereof, on the door of the church, or any other conſpicuous place in ſaid manor, pariſh, or denomination, a notice ſigned by himſelf, ſetting forth, that the landholders and inhabitants of are hereby to meet at on the day of to chuſe two or more perſons to applot the ſum of required to be levied by warrant of the treaſurer of this county; at which meeting the landholders and inhabitants preſent ſhall chooſe two or more applotters; and the perſons ſo choſen ſhall applot fully and juſtly, as ſoon as they conveniently can; and ſhall upon the back of, or underneath applotment, make oath before any juſtice for ſuch county, that they have made ſaid applotment juſtly according to the beſt of their ſkill, without favour, affection, or malice; and ſhall, within thirty days after ſo choſen, deliver the ſame to the perſon impowered to collect, under penalty of forfeiting for every day they omit to deliver the ſame, after ſaid thirty days, ten ſhillings, recovered by civil bill, before judge of aſſize, by any perſon who ſhall ſue; and the collector, on receiving ſuch full and ſufficient applotment, is authorized and required

In 10 days after receipt of warrant, account of the ſum delivered to the ſeneſchal, rector, &c.

if none, to any principal reſident, if required by 2 landholders, or if neceſſary;

and deſire applotment;

notice poſted in 6 days after, penalty 10l. by civil bill,

requiring a meeting to applot the ſum;

two or more then choſen to applot;

applotment on oath before a juſtice,

delivered in 30 days to collector;

penalty 10s. a day;

collectors thereon to levy,

and 10s. applotters fees;

required to levy ſaid money according thereto; and alſo any ſum not exceeding ten ſhillings, for applotters fees, by diſtreſs and ſale of goods of every perſon refuſing to pay the proportion applotted, rendering the overplus, if any, to owner; and in caſe no full and ſufficient applotment returned within thirty ſix days after ſuch account ſent or delivered, it ſhall be lawful for the collector, or deputy, or high conſtable, in ſuch manor, pariſh, or denomination to enter, and diſtrain the whole or any part, and by ſale to levy the full ſum he is required by treaſurer's warrant to levy, upon ſuch manor, pariſh, or denomination; and it ſhall be lawful for grand jury of any county, at any aſſizes, to preſent all ſuch ſums as now are, or hereafter ſhall be unpaid, or in arrear, out of any barony or half barony, to be raiſed and levied on ſuch barony or half barony, which the ſame was originally required by treaſurer's warrant to be levied upon, if they think fit, and to preſent all ſuch ſums which have hitherto been, or hereafter ſhall remain unpaid, on account of abſconding or inſolvency of any collector, or any perſon impowered to collect or receive publick money, who is or ſhall be inſolvent, to be raiſed and levied either upon the county, or barony or half barony in which the ſame was before levied, if they think fit; which ſums ſhall be levied in ſame manner, and ſubject to ſame rules, regulations, p oviſions, and powers, as money to be levied by this act; and in caſe any money ſo detained or ſecreted by any collector, treaſurer, or other perſon impowered, ſhall be hereafter recovered, it ſhall be paid to the then treaſurer, and preſented by grand jury to be expended in executing ſome work in the county at large, or barony or half barony, ſo charged, ſuch as grand juries have power to preſent on the county, barony, or half barony reſpectively; and if it appear to any judge, upon due proof by two credible perſons upon oath at any aſſizes, within one year after any query, or at any preſentment by which money was granted, has been diſcharged, that the court was deceived by any affidavit for diſcharging ſuch quere, and that the money was not expended agreeable to preſentment, the judge may, notwithſtanding ſuch quere diſcharged, fine or iſſue proceſs againſt overſeers in ſuch preſentment, as if the quere not anſwered; and if any lordſhip, manor, or pariſh, ſhall be ſo large, that one conſtable not ſufficient to do the whole office, it ſhall be lawful to appoint two or more conſtables for ſuch lordſhip, manor, or pariſh, in ſuch manner as ſuch one conſtable was formerly appointed; which new conſtables ſhall have ſuch and the ſame power and authority, as any other conſtable hath, or by laws of this realm ought to have.

if not ſufficient applotment returned in 36 days after account ſent, collector to enter and diſtrain.

Preſentment for arrears,

or on abſconding or inſolvency of collectors, levied in like manner,

paid to treaſurer, preſented for publick works in the county &c.

on proof on oath by two within 1 year, of deceit on the court by affidavit, fine or proceſs againſt overſeers, as if query not diſcharged,

in large pariſhes, &c. 2 or more conſtables,

with like powers.

CLXXXI. *ſect.* 25. If any collector appointed by grand jury, die before he collected the publick money, it ſhall be lawful for the juſtices at ſeſſions, or any adjournment to appoint another fit and proper perſon to collect in the place of ſuch collector, upon giving ſufficient ſecurity to perform the requiſites, until a collector appointed by grand jury of ſuch county.

On collector's death, another appointed at ſeſſions;

ſecurity to perform.

CLXXXII. *ſect.* 26. It ſhall be lawful for any perſon, aggrieved by preſentment to enter one or more traverſes in open court to ſuch preſentment; which ſhall be tried immediately, or next aſſizes.

Traverſe to preſentment, tried immediately, or next aſſizes.

CLXXXIII. *ſect.* 27. Such traverſe may be tried upon entry of any preſentment in crown book, and the traverſe taken thereto, without making up any record, ſo that ſuch entry in crown book be ſufficient in ſubſtance, though defective in form; and every overſeer appointed by grand jury for making or repairing any publick road (or wall neceſſary for ſupport of any road

On entry in crown book, if ſufficient in ſubſtance.

Overſeer may raiſe materials in that or adjoining county.

road) ſhall be impowered to dig for, raiſe, and carry away any gravel, ſtones, ſand, or other materials wanted for building, rebuilding, enlarging, or repairing any bridge, gullet, pipe, or wall neceſſary for ſupport of any road, or for making, repairing, or preſerving any road, whether in ſuch county, or adjoining county, and to make drains, to carry off water that may injure any bridge, gullet, pipe, wall, or road, in or through land of any perſon, not a deer park, green, orchard, haggard, or yard, or in the planted walk, avenue, or lawn, to manſion houſe of any perſon, and to carry away ſaid materials; and ſuch overſeer ſhall make ſuch ſatisfaction to owner or occupier, for damage done thereby, as aſſeſſed by three ſubſtantial houſeholders of the county, one named by each of the parties, and the third by the next, or any neighbouring juſtice, who ſhall be ſworn by ſuch juſtices of peace to be appraiſers of ſuch damages, and to make a true eſtimate to beſt of their ſkill; and if any perſon obſtruct or prevent ſuch overſeers in digging for, raiſing, or carrying away ſuch materials, or in making ſuch drains, ſuch perſons ſhall, upon conviction by oath of one credible witneſs, before any one juſtice of ſuch county, city, or town corporate, where ſuch offence committed, forfeit for every ſuch offence, a ſum not exceeding five pounds; levied, with charges, by diſtreſs and ſale of goods of offender, by warrant of any one juſtice of ſuch county, city, or town corporate, where ſuch offence committed.

and make drains through any lands, except deer park, &c.

and carry away; ſatisfaction to owner or occupier; damage aſcertained by 3 houſeholders; one named by each, a third by a juſtice, ſworn appraiſers; obſtructing overſeers,

penalty 5l. on one witneſs before a juſtice, by diſtreſs and ſale.

CLXXXIV. *ſect.* 28. And that a ſufficient recompence may be made to any perſon injured, the eſtimate of ſuch damages as aforeſaid, made by the perſons appointed, and ſworn to by them before two juſtices of ſuch county, may be laid before next grand jury, who may preſent ſuch ſums as they think a ſufficient recompence (not exceeding the ſum ſo eſtimated) to be raiſed off the county at large, and paid to ſuch perſons by the treaſurer; and every ſuch overſeer may give notice to owner or occupier of the land adjoining, to ſcour the drains or ditches, or to cut or clip the hedges by the ſides of ſuch roads, at a height not exceeding five feet, which, if owner or occupier neglect to do within ten days after ſerving ſuch notice, any juſtice of the county in which ſuch road is, may, by warrant under hand and ſeal, order the overſeer to have ſaid drains or ditches effectually ſcoured, or hedges cut or clipped; and authorize ſuch overſeer to levy the expence off the goods of ſuch owners or occupiers, together with ſuch wages to ſaid overſeer, as ſaid juſtice ſhall think fit, not exceeding eighteen pence each day ſaid overſeer ſhall neceſſarily be employed in attending and performing ſuch work.

Eſtimate of damages ſworn before 2 juſtices, laid before next grand jury, preſented off the county, paid by treaſurer; notice by overſeer to occupier, to ſcour drains, or clip hedges to 5 feet; on neglect 10 days, done by overſeers on juſtice's warrant, and expences levied, with wages not above 18d. a day.

CLXXXV. *ſect.* 29. If owner or occupier of any land or houſe adjoining any publick road, ſhall, after notice by overſeer or ſub-conſtable of the barony, to remove any dunghill, dirt, rubbiſh, or other nuiſance laid upon any part oppoſite to his or her land, or houſe, or within twenty one feet of ſuch road, or to make ſewers or pipes for free paſſage of water, obſtructed by paſſing of cattle into his or her land, or houſe from ſuch road, ſo as to injure ſuch road, forty eight hours next after ſervice of ſuch notice perſonally, at his or her houſe or uſual place of abode, the overſeer or ſub-conſtable, or any other perſon may complain of the refuſal or neglect, to any juſtice for the county, and thereupon it ſhall be lawful for ſaid juſtice to iſſue warrant or ſummons, requiring party ſo complained of to appear at a certain place, within ſix days after ſuch ſervice of the ſaid warrant or ſummons, to anſwer ſaid complaint; and ſaid juſtice ſhall and may, in preſence of ſaid parties complained of, or in their abſence, if duly ſummoned, he, ſhe, or they refuſe or

48 hours after notice, by overſeer or ſub-conſtable, to remove nuiſance within 21 feet of the center, or to make ſewers for water; ſummons by a juſtice on complaint of neglect;

to appear and anſwer in 6 days; complaint examined,

or neglect to appear at the time and place appointed, examine into the matter of ſaid complaint; and if it ſhall be manifeſt to ſaid juſtice, upon ſuch examination, by confeſſion, or upon oath of one credible witneſs, that ſaid complaint was well founded, it ſhall be lawful for every ſuch juſtice, upon every ſuch offence proved as aforeſaid, to fine the owner or occupier of ſuch land or houſe, in any ſum not exceeding twenty ſhillings; and by warrant to levy the ſame by diſtreſs and ſale of the offender's goods; and the money ariſing by ſuch ſale, over and above the amount of ſaid fine, to pay ſaid owner or occupier; and ſaid fine levied as aforeſaid, ſaid juſtice ſhall apply in manner following, firſt to defray expence of removing ſaid dung-hill, dirt, or rubbiſh, or other nuiſance, and in making ſuch ſewers or pipes; and the reſidue of ſaid fine, the ſaid juſtice ſhall pay to the miniſter and church-wardens of the pariſh, for uſe of the poor of ſaid pariſh.

if offenee proved, fine not above 20s. by diſtreſs and ſale,

fine applied to defray the expence, reſidue to church-wardens for poor.

CLXXXVI. *ſect.* 30. Every perſon, who ſhall build any houſe, or part of a houſe, within twenty five feet of the centre of any road, (except in cities or market towns) or keep any cur, dog, maſtiff, or bull dog, at any houſe within fifty yards of any road, without having a block of wood of five pounds at the leaſt, faſtened to the neck of every ſuch dog, or ſhall lay any turf, dung, dirt, ſtraw, rubbiſh, or the ſcouring of any ditches or drains, or other filth, or any ſtones, or timber upon any part of any road, or within twenty one feet of the centre, or ſhall keep or dry any flax, or burn any weeds or bricks within one hundred yards of any road, or build any lime kiln within fifty yards, or cut any turf, or make any turf ſtack within twenty one feet of the centre of any road, or ſhall pull down any part of any bridge, or injure any mile ſtone or finger poſt, or dig any pit, or ditch, or build any wall within fifteen feet of the centre, or put up any ſign poſt or may buſh within twenty five feet of the centre, or leave any car or cart from ſun ſet to ſun riſe, on any part of any road, or in the ſtreets of any city or town through which travellers uſually paſs, without leaving a paſſage twenty one feet at leaſt in breadth, or winnow any corn on any part of any road, or alter any road not being firſt authorized by due courſe of law, or leave the carcaſe of any dead horſe, mule, aſs, or other beaſt, or ſkin any dead beaſt on any road, or within one hundred yards of the centre, or lead or drive any car or cart with timber, boards, or iron laid croſsways, or ſcrape the gravel off any road, ſhall upon conviction, by oath of one credible witneſs, before any juſtice of the county where ſuch offence committed, or upon view of any ſuch juſtice, for every ſuch offence, forfeit not exceeding ten ſhillings levied by diſtreſs and ſale of goods of offender, by warrant of any one juſtice of the county, city, or town corporate in which ſuch offence committed; and if any perſon draw any millſtone on any road, without ſupporting by a carriage on wheels, ſuch perſon ſhall, upon conviction by the oath of one credible witneſs before any one juſtice of the county where ſuch offence committed, forfeit not exceeding forty ſhillings, levied by diſtreſs and ſale of goods of offender, by warrant of any one juſtice of the county, city, or town corporate in which ſuch offence committed; and if any perſon draw any timber, boards, or ſticks, without ſupporting the ends on a carriage on wheels of the breadth of three inches at leaſt, on any road made or repaired with money granted by grand jury of any county, or turnpike board, ſuch perſon ſhall, upon conviction, by oath of one credible witneſs, before any one juſtice within his juriſdiction, or upon view of ſuch juſtice, forfeit not exceeding five ſhillings, levied by diſtreſs

Buildings within 25 feet of centre, except in cities or towns, keeping curs, &c. within 50 yards, without a block, laying rubbiſh, &c. within 21 feet of centre, ſteeping or drying flax, burning weeds within 100 yards of a road, building lime kiln within 50 yards, or cut or ſtack turf within 21 feet of centre, or pull down part of a bridge, or poſt, or dig pit, or build a wall within 15 feet of centre, or put up ſign or may-buſh within 25 feet of centre, or leave cars, by night without 21 feet paſſage, or winnow corn, or alter road without authority, or leave or ſkin dead beaſts within 100 yards of centre, or drive cars with timber or iron croſsways, or ſcrape gravel, on conviction by 1 witneſs before a juſtice, on his view, penalty 10s. drawing millſtone without a wheeled carriage penalty 40s. drawing timber, &c. not ſupporting the ends on wheels of 3 inches at leaſt, on 1 witneſs before a juſtice, or his view,

diſtreſs and ſale of goods of offender, by warrant of ſuch juſtice, and alſo ſuch timber, boards, or ſticks, to the perſon who ſhall ſeize; and the grand jury at any aſſizes may preſent any houſe, or part of a houſe, or lime kiln, hereafter built contrary to intent of this act to be pulled down, or any juſtice within his juriſdiction, may by his warrant order any dog kept contrary to intent of this act, to be killed, or any pit or ditch filled up or levelled, or any wall thrown down hereafter made or built contrary to this act, as alſo neceſſary expence attending thereon, to be levied by diſtreſs and ſale of offenders goods and chattles; and any perſon may take and carry away all ſuch turf, dung, dirt, ſtraw, or rubbiſh, corn, filth, ſcouring of ditches or drains, or ſtones, as he ſhall find ſo laid upon any part of any road or within twenty one feet of the centre, and apply to his own uſe, and kill any dog kept contrary to this act, without being ſued or proſecuted.

penalty 5s. and the timber, &c. to ſeiſor, houſe or lime kiln contrary to act, preſented and pulled down; dogs killed on juſtice's warrant, pit or ditch filled or levelled, expence by diſtreſs and ſale, any one may take ſuch turf, &c. to his own uſe, and kill ſuch dogs, without being ſued.

CLXXXVII. *ſect.* 31. Every landholder or occupier, who ſhall lay, or cauſe, or ſuffer to be laid upon his land, within three miles of any city, or one mile of any town-corporate, for manure, or any other purpoſe, any filth, offals, or blood, or ſcrapings of ſlaughter-houſes or ſhambles, or emptyings of privies, without immediately covering with ſuch quantities of lime or earth, as ſufficient to prevent any annoyance, ſhall, upon view of any juſtice within his juriſdiction, or upon information of one credible witneſs, forfeit five pounds every ſuch offence, levied by diſtreſs and ſale of goods and chattles of offender, by warrant of ſuch juſtice, within his juriſdiction, under hand and ſeal.

Laying filth for manure, &c. 3 miles of a city, 1 of town corporate, without lime or earth ſufficient, penalty 5l. on juſtice's view, or 1 witneſs informing.

CLXXXVIII. *ſect.* 32. It ſhall be lawful for judges of aſſize, in their circuits, from time to time, to order warrants in nature of execution to iſſue, to the high ſheriff or other officer lawfully authorized, where any perſon was made treaſurer, collector, or overſeer of any publick work, empowering ſale of goods and chattles, or ſufficient part, or by or out of rents, iſſues, and profits of lands and tenements of any ſuch treaſurer, collector of publick money, or overſeer, or their ſureties, who ſhall not have accounted for, and paid the publick money, and who ſhall be found in arrear, to raiſe, levy, and collect ſuch ſums for which they ſhall be ſo in arrear, and pay the ſame, when levied, to treaſurer of the county; for collecting which ſuch high ſheriff, or under ſheriff, or lawful deputy, or other officer lawfully authorized, ſhall be intitled to receive one ſhilling for every pound he ſhall ſo collect, levied in manner aforeſaid, from ſuch perſons againſt whom ſuch warrant ſhall iſſue; and it ſhall be lawful for every judge of aſſize to enquire of, hear, and determine every offence, matter, and cauſe, by reaſon of this ſtatute; and to lay on ſuch reaſonable fines as thought meet; which fines ſhall be levied by the high ſheriff, or under ſheriff, or collector of any barony, or deputy, as ſaid judge ſhall direct, as all county or barony taxes are hereby appointed to be levied, and ſhall be paid to the treaſurer, to be expended in ſuch manner as the grant ſhall direct, after deducting one ſhilling in the pound for levying.

Execution on judge's warrant to levy arrears of treaſurer, collector, &c. by ſale of goods, or rents and profits.

fee 1s. per £. judges to determine offences, and impoſe fines; levied as county or barony taxes, paid to treaſurer, expended as by grand jury, fee 1s. per £.

CLXXXIX. *ſect.* 33. If any perſon ſued, moleſted, or troubled for putting in execution any of the powers in this act, or doing any act or thing purſuant thereto, ſuch perſon ſhall and may plead the general iſſue, and give the ſpecial matter in evidence, or avow the taking any diſtreſs on the treaſurer's warrant merely, without going into other title or authority; and if plaintiffs non-ſuited, and judgment againſt them, upon demurrer or otherwiſe, or a verdict for defendants, or a diſmiſs upon a civil bill, ſuch defendants ſhall have treble coſts;

General iſſue pleaded.

avowry on treaſurer's warrant;

treble coſts on non-ſuit, &c.

quaker's affirmation valid as oath.

coſts; recovered by ſuch method and manner as where by law coſts given to defendants; and the ſolemn affirmation or declaration of a quaker ſhall be adjudged and taken of ſame force and effect to all intents and purpoſes, in any caſe where by this act an oath required, as if ſuch quaker had taken an oath in form preſcribed, or in uſual form.

Juſtices authorized to act and adminiſter oaths; forfeitures not applied, to informer with full coſts, and to infirmary; on non-payment, houſe of correction, not above three months.

CXC. *ſect.* 34. Juſtices of peace are authorized to put this act in execution, and to adminiſter the ſeveral oaths herein before directed, within their reſpective juriſdictions; and one moiety of all forfeitures and pecuniary penalties inflicted by this act, and not otherwiſe applied, ſhall be paid informer, with full coſts; the other to the treaſurer of county infirmary, for benefit of ſuch infirmary; and if any perſon convicted of any offence, ſhall not be able to pay the penalty, it ſhall be lawful for the juſtices, before whom convicted, to ſend ſuch perſon to the work-houſe, or houſe of correction of the county, to remain at hard labour for ſuch time as ſaid juſtices think proper, not exceeding three months.

Perjury, falſe affirmation, forging juſtice's name, penalties for perjury.

CXCI. *ſect.* 35. Every perſon guilty of wilful and corrupt perjury, or falſe affirming, or forging or counterfeiting the name of any juſtice, and thereof convicted by due courſe of law, ſhall incur the pains and penalties by law enacted againſt wilful and corrupt perjury.

Foot paths, preſentment not above 12d. per perch, with ſtiles, 3 feet wide, accountable as for roads, riding or driving cattle thereon, on one witneſs or juſtice's view, 5s. to informer, diſtreſs and ſale of cattle.

CXCII. *ſect.* 36. It ſhall be lawful for grand jury of any county, county of a city, or town, to raiſe by preſentment ſuch ſums as ſuch grand jury think neceſſary, not exceeding twelve pence per perch, for making or repairing a foot path, with ſtiles, not leſs than three feet wide on any road in ſuch county, or along the ſide, with conſent of occupier of the land, upon any barony in ſuch county in which ſuch foot path is neceſſary, ſubject to ſuch method of account as preſentments for publick roads are by this act ſubject; and if any perſon ſhall ride or drive any beaſt or cattle, knowingly, willingly, or unneceſſarily on any ſuch foot path, ſuch perſon ſhall, upon conviction, by oath of any one credible witneſs, before any one juſtice within his juriſdiction, or upon view of any ſuch juſtice, for any ſuch offence, forfeit a ſum not exceeding five ſhillings, levied by warrant under hand and ſeal of ſuch juſtice, by diſtreſs and ſale of the cattle, ſo ridden or driven on ſuch foot path, which penalty ſhall go to the informer.

Extended to counties of cities and towns.

CXCIII. *ſect.* 37. This act ſhall extend to counties of cities, and counties of towns, and grand juries thereof ſhall be impowered to preſent ſuch ſums as they think neceſſary on the county at large, of ſuch city or town in ſame manner, and for ſame purpoſes, and ſubject to ſame method of account to all intents, and to do every other act that grand juries of counties are, by this act, enabled to do, although the words, in the barony or half-barony of be not inſerted in the affidavits laid before ſuch grand jury.

Preſentments in conſequence of repealed act levied, &c. as by that and this act.

CXCIV. *ſect.* 38. All preſentments made, or money to be levied, accounted for, or paid, in conſequence of the act hereby repealed, ſhall be levied, accounted for, and paid, in manner preſcribed thereby, or by this act, ſubject to rules, proviſoes, and regulations, therein or herein contained.

11 G. 3. c. 9. altered, veſtries held firſt Tueſday, &c. of September yearly,

CXCV. *ſect.* 39. And whereas by an act eleventh of his preſent Majeſty, it is provided, that a veſtry ſhall be held in every pariſh or union in Ulſter, on the firſt Tueſday, Wedneſday, or Thurſday after ſaint Michael every year, ſuch veſtry ſhall, inſtead of being held on the days mentioned in ſaid act, be

be hereafter held on the firſt Tueſday, Wedneſday, or Thurſday of September in every year.

CXCVI. *ſect.* 40. And whereas collectors of money preſented at veſtries, held under ſaid act, frequently refuſe to account for, or pay the money collected to the directors mentioned in the ſaid act: upon ſuch refuſal, any juſtice of the county, ſeized or poſſeſſed of three hundred pounds a year, ſhall, on complaint of any ſuch directors, ſummon collectors ſo refuſing, before him; and if ſuch collectors ſo ſummoned ſhall not ſhew ſufficient cauſe for refuſal, or for not collecting the ſums preſented at veſtry, the juſtice ſhall forthwith, by warrant under hand and ſeal, cauſe the ſums received, or which ought to have been received, without wilful default, by ſuch collectors, to be forthwith levied off goods and chattles of collectors, together with coſts of ſuch warrants, and of conſtable's trouble in levying; and pay the ſame to the directors of the pariſh, to be applied by them purſuant to the preſentment.

Collectors of veſtry preſentments, refuſing to pay, ſummoned on director's complaint by a juſtice having 300l. a year, and if no cauſe, levied with coſts, and paid to directors, as by the preſentment.

CXCVII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 33. *ſect.* 1. Truſtees of the roads, and ſurveyors, or any five or more, or ſuch perſons as they appoint, ſhall and may erect gates or turnpikes, in, upon, or acroſs any parts of ſaid highways or roads, and toll houſes, and take the tolls and duties following; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, mares, geldings, aſſes, or mules, or more, one ſhilling; drawn by any leſs number than ſix, and more than one, ſix pence; for every waggon, wain, cart, car, or other ſuch carriage with four wheels, drawn by any cattle, five ſhillings; for every wain, cart, car, or carriage with two wheels, drawn by more than one horſe, mare, or gelding, aſs or mule, or other cattle, four pence; for every chair or chaiſe with one horſe, mare, gelding, aſs, or mule, three pence; for every car or other carriage drawn by one horſe, mare, gelding, aſs, or mule, three half pence; for every horſe, mare, gelding, aſs, or mule, laden or unladen, and not drawing, one penny; every drove of oxen or neat cattle ten pence per ſcore, and ſo in proportion; every drove of calves, hogs, ſheep, or lambs, five pence per ſcore, and ſo in proportion; which ſums ſhall be demanded and taken as a toll or duty, and the money ſo raiſed ſhall be veſted in the truſtees, and every part paid, applied, diſpoſed of, and aſſigned for the ſeveral uſes, and in ſuch manner as herein after directed; and ſaid truſtees, or any five or more, are empowered by themſelves, or any perſons by them, under hands and ſeals authorized, to levy the toll or duty hereby required, upon any perſons who ſhall, after demand, neglect or refuſe to pay, by diſtreſs of any horſes, or other cattle or goods upon which ſuch toll or duty is by this act impoſed, or upon any other goods and chattles of ſuch perſon, and may detain until ſuch toll or duty, with reaſonable charges of diſtraining or keeping paid; and it ſhall be lawful for ſuch perſons diſtraining, after five days after ſuch diſtreſs, to ſell the goods diſtrained, returning overplus, if any, upon demand, to owner.

Five truſtees to erect turnpikes;

the toll.

CXCVIII. *ſect.* 2. Out of the firſt money ariſing by the profits of the turnpikes, ſaid truſtees, or any five, ſhall firſt pay and diſcharge the expence of this act, and of erecting turnpikes, or toll houſes; and then the profits ariſing, and the toll at any turnpikes erected upon ſaid road leading from Tubber near the bounds of the counties of Clare and Galway, to Ennis, and from thence to the north liberties of Limerick, ſhall be applied towards repair of ſaid road only.

Tolls after expences applied to the road.

Tubber to Ennis and Limerick.

Permitting paſſage to evade toll,

penalty 6s.

CXCIX. *ſect.* 3. If any perſons owning, renting, or occupying any land near any turnpike ſhall, for gain, reward, or otherwiſe wittingly or willingly permit any perſons to paſs through to avoid payment, and being convicted upon oath of one or more witneſſes, before the truſtees, or any five, or one or more juſtices of the county wherein offence committed; every perſon ſo offending ſhall forfeit ſix ſhillings; levied by diſtreſs and ſale of goods, by warrant, under hand and ſeal of ſaid truſtees, or juſtices, rendering the overplus to owner; the charges of taking and diſpoſing, being firſt deducted.

Side gates erected.

CC. *ſect.* 4. It ſhall be lawful for ſaid truſtees to erect gates or turnpikes on the ſide of ſaid roads, acroſs any lane or way leading out of ſaid road, and to build toll-houſes, and take ſuch toll as appointed, ſo as not a double charge in caſe of paſſing through any other turnpikes between Tubber and Ennis, and from thence to the north liberties of Limerick.

Collectors and ſurveyors appointed at meeting, and removed;

accountable monthly;

CCI. *ſect.* 5. Said truſtees, at meeting, by writing under hands and ſeals, ſhall appoint collectors and ſurveyors, and from time to time to remove, as they ſee occaſion, and appoint new ones, in caſe of death or removal: and the perſons ſo appointed ſuch ſurveyors, ſhall upon oath, if required, on the firſt Tueſday in every month, or oftner if required, give in a true, exact, and perfect account in writing, under their hands, of all monies which they have received, paid, and diſburſed, for which oath no fee or reward taken; and in caſe any money ſo received, remain in any of their hands, the ſame ſhall be paid to ſaid truſtees, or any five or more, who ſhall, by writing under hands and ſeals, authorize and empower to receive the ſame; and ſhall be diſburſed and laid out in amending ſaid road according to the true intent and meaning of this act, and not otherwiſe; and ſaid truſtees ſhall make ſuch allowance to ſaid receivers, collectors, and ſurveyors, and to ſuch other perſons aſſiſting in and about procuring ſaid roads to be amended and repaired by advancing or laying out any monies, or otherwiſe relating thereto, as to them ſhall ſeem good; ſo as ſuch allowance to collectors do not annually exceed in the whole thirty pounds: and to ſuch ſurveyors two ſhillings and ſix pence *per diem*, during time employed; and ſo as ſuch allowance to any other perſon employed, do not exceed fifteen pounds yearly to each perſon; and in caſe ſaid receivers or collectors ſhall not make ſuch account and payment at any ſpecial ſeſſions or meeting, ſhall make enquiry, and finally determine of and concerning ſuch default, as well by confeſſion of parties, as by teſtimony of one or more credible witneſſes upon oath; and if any perſons convicted thereof, ſaid juſtices ſhall commit the parties to the common gaol, to remain without bail or mainprize until they have made a true and perfect account and payment.

allowance to collectors not above 30l. a year;

ſurveyors 2s. 6d. a day, others 15l. each yearly;

on default committed.

May raiſe materials.

CCII. *ſect.* 6. It ſhall be lawful for ſaid ſurveyors, and ſuch perſons as they appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or any other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of ſaid roads do lie, and for want of ſufficient materials there, out of the waſte or common of any neighbouring town, village, or hamlet, without paying any thing; and where not ſufficient in commons or waſte grounds near adjoining, may, by order of truſtees, or any five, dig, raiſe, and gather in the grounds of any perſon, not a garden, orchard, yard, or meadow, planted walk, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much as ſaid ſurveyors adjudge

judge neceſſary, paying ſuch rate to owner or occupier, as the truſtees, or any five adjudge reaſonable; and in caſe of difference between ſuch owner or occupier and ſaid truſtees, touching the value, judges of aſſize, or juſtices at next general aſſizes and gaol delivery, or ſeſſions, ſhall adjudge, aſſeſs, and finally determine the ſame.

CCIII. *ſect.* 7. It ſhall be lawful for ſaid ſurveyors, and ſuch perſon as they appoint, to remove and prevent annoyances, the owner or occupiers neglecting for eight days after notice in writing, under hands of five truſtees, the charges whereof ſhall be reimburſed ſaid ſurveyors, by ſuch owners or occupiers neglecting; and, if after the removal, and perſon ſhall again offend, every ſuch perſon being convicted upon oath, before one or more juſtices where ſuch offence committed, for every ſuch offence ſhall pay ten ſhillings, levied in manner aforeſaid. Not removing annoyance, penalty, 10s.

CCIV. *ſect.* 8. It ſhall be lawful for ſaid ſurveyors by order of truſtees, or any five, to make cauſeways and drains through any grounds contiguous, and to erect arches of brick, timber, or ſtone; and alſo to widen any of the narrow parts, by opening, clearing, and laying into ſaid roads, any grounds, not a houſe, garden, orchard, planted walk, or avenue to a houſe; and alſo to cauſe trenches to be made, as ſuch ſurveyors, by order of truſtees, adjudge neceſſary, making reaſonable ſatisfaction for damages, as ſhall be aſſeſſed by next judges of aſſize, or juſtices of the peace, or major part at next general aſſizes or ſeſſions, in caſe of any difference; and if any owner or occupier neglect to ſcour or cleanſe water-courſes, and to make ditches ſo deep, and in ſuch manner as ſurveyors adjudge proper, after eight days notice it ſhall be lawful for ſurveyors, to ſet men to work, and by warrant from any five truſtees, to levy the charges upon the perſons, goods, and eſtates of the owners, or occupiers, by diſtreſs and ſale of goods and chattles, rendering the overplus, if any be, to ſaid owner or occupier, after all charges paid. Surveyors to make drains, &c.

CCV. *ſect.* 9. In caſe there ſhall be more than one gate or turnpike, on the ſide of ſaid roads, between Ennis and Limerick, no perſon having paid at the firſt turnpike through which ſuch perſon ſhall paſs, and producing a note or ticket, ſhall be liable to pay any toll or duty at any other turnpikes upon the ſide of ſaid road, ſuch perſon or perſons delivering ſuch note or ticket to ſaid receivers or collectors, at the latter turnpike the ſame day; and no perſon, who ſhall return the ſame day, or with the ſame horſe, mare, gelding, aſs, or mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be liable or compellable the ſame day to pay ſaid toll or duty more than once on ſaid road. Toll once a day by ſame perſon.

CCVI. *ſect.* 10. If any perſon having paid the toll, and having ſuch note or ticket, ſhall give or diſpoſe of the ſame to any perſon to avoid payment, every ſuch perſon giving, diſpoſing, or offering, and perſon receiving, being convicted upon oath of one or more witneſſes, ſhall reſpectively forfeit ten ſhillings, levied, recovered, and diſpoſed of, as any other penalty or forfeiture is by this act. Paſſing tickets to evade toll, penalty 10s.

CCVII. *ſect.* 11. All coaches and paſſengers on horſeback ſhall paſs and repaſs toll free, on days on which an election for knight of the ſhire for county of Clare, or citizens for Limerick, or for any burgeſſes to ſerve in parliament for any borough of ſaid county; any thing herein to the contrary notwithſtanding. Election days toll free.

CCVIII. *ſect.*

Truſtees may compound.

CCVIII. *ſect.* 12. The ſaid truſtees, or any five or more of them, may compound or agree by the year, or otherwiſe, with any perſon uſing to travel through turnpikes erected in purſuance of this act.

Perſons exempted.

CCIX. *ſect.* 13. No perſon ſhall be charged with any of ſaid tolls, for paſſing through any of ſaid turnpikes, who ſhall carry any quantity of ſtones, gravel, or other materials for repairing ſaid roads, or any of the roads in ſaid pariſhes in which the ſame lie, or any of the neighbouring pariſhes, nor for any carts, cars, or waggons, loaded with corn in ſtraw only, nor for any plows, harrows, or other implements of huſbandry, in order to the uſing or repairing of the ſame, in the ſeveral pariſhes in which the ſaid roads do lie; nor for any horſe, mare, or other cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as uſed only to ride on by owner or driver of any carriage, provided ſuch horſe paſs through ſaid turnpikes with ſuch carriage; nor for horſes of ſoldiers upon march, or for carriages travelling with vagrants ſent by paſſes, or with priſoners committed from one part of the kingdom to another.

Continued 41 years.

CCX. *ſect.* 14. The toll or duty hereby granted, ſhall take place, and have continuance only from firſt of June next, for forty one years.

Unleſs adjudication of truſtees.

CCXI. *ſect.* 15. If before expiration of ſaid forty one years, all parts of ſaid road ſufficiently amended and repaired, and ſo adjudged by truſtees, under their hands and ſeals, then, ſaid tolls and duties ſhall ceaſe and determine; any thing herein to the contrary notwithſtanding.

Meeting of truſtees;

CCXII. *ſect.* 16. Said truſtees, or any ſeven or more, ſhall meet at Ennis on the laſt Monday in May next, and then adjourn, and afterwards meet there, or at any other place near ſaid roads, as ſaid truſtees or any five think proper, as often as neceſſary, for putting this act in execution; and if there ſhall not appear at any meeting, a ſufficient number to act and to adjourn, the clerk ſhall, by notice in writing, affixed at the turnpikes at leaſt ten days before ſaid meeting, appoint ſaid truſtees to meet at the houſe where meeting laſt appointed, or at ſome other convenient houſe near ſaid roads, on the day fortnight next after the day upon which ſaid laſt meeting was appointed; and ſaid truſtees, at all meetings, ſhall defray their own charges and expences.

bear their own charges.

Not to accept of place of profit.

CCXIII. *ſect.* 17. No truſtee ſhall have or accept of any profit ariſing out or by reaſon of ſaid toll or duty, but ſhall be incapable, after ſuch time of acting as a truſtee.

Actions laid in Clare or Limerick,

CCXIV. *ſect.* 18. If any ſuit commenced for any thing done in purſuance of this act, the action ſhall be laid in the county of Clare or city of Limerick, and not elſewhere; and defendants may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial; and if it appear ſo done, or ſuch action brought in any other county, the jury ſhall find for defendants; and upon ſuch verdict, or if plaintiff non-ſuited, or diſcontinue action after defendants appeared, or if any demurrer or judgment given againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy as any defendants have in other caſes by law.

general iſſue, &c.

treble coſts to defendants.

A publick act.

CCXV. *ſect.* 19. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading.

Truſtees named with thoſe in 9 G. 2. c. 19.

CCXVI. *Stat.* 13 & 14 *Geo.* 3. *cap.* 36. *ſect.* 1. The perſons named ſhall be truſtees, from time to time together with the truſtees named in or by virtue

virtue of the former act, to carry this act into execution; and it ſhall be lawful for ſaid truſtees of ſaid turnpike road, or any nine or more, in caſe they ſhall be enabled by the tolls of ſaid road, and that the ſame ſhall appear to them to be an improvement, and advantage to the publick, to lay out a new line from Market hill north eaſt of the old turnpike, and to carry on the ſame ſo as it may fall into the old turnpike road near the church of Mullinglaſs on the north-weſt thereof, as they may judge will beſt anſwer the ſafety of carriages and travellers, and to lay out the ſame thirty feet wide in the clear, and to aſcertain the grounds through which the ſame ſhall paſs, with ſuch reſtrictions and exceptions as ſhall prevent ſuch new road from doing a real injury to any perſon, and with ſuch proviſoes and clauſes for ſecuring to owners of any grounds, through which ſuch new road ſhall be carried, a ſatisfaction and recompence proportioned to any loſs.

9 may lay out a new line.

Market hill to Mullinglaſs.

CCXVII. *ſect.* 2. Said truſtees, or any nine or more, where they find any part of ſaid old road uſeleſs and unneceſſary, may order ſuch part to be ſtopped up, as ſoon as ſuch new road ſhall be finiſhed and opened for uſe of the publick; and where the inheritance of the ground of ſuch part of ſaid old road to be ſtopped up, and of the new road to be opened, belong to the ſame perſon to give up ſuch part of the ſaid old road, in lieu and exchange of the new part, with ſuch other ſatisfaction as thought reaſonable by ſaid truſtees.

Stop old road.

CCXVIII. *ſect.* 3. Said truſtees ſhall take for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, geldings, or mares, one ſhilling, over and over one ſhilling and ſix pence appointed by ſaid act; for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by any leſſer number of horſes, geldings, or mares than ſix, or more than two, ſix pence over and above one ſhilling to be paid by ſaid act; and drawn by two horſes, geldings, or mares, ſix pence over and above ſix pence to be paid by ſaid act; for every cart or other carriage drawn with two horſes, geldings, or mares, four pence over and above four pence to be paid by ſaid act; for every chair with one horſe, mare, or gelding, three pence over and above three pence to be paid by ſaid act; for every car or other carriage drawn but by one horſe, mare, or gelding, one halfpenny over and above one halfpenny to be paid by ſaid act; provided every waggon, wain, cart or carriage with four wheels, the felloes of which, ſhod with iron and flat-headed nails, ſhall be nine inches broad, inſtead of paying ten ſhillings directed by ſaid act, ſhall pay only ſix pence; and every wain, cart, or carriage with two wheels, the felloes of which, ſhod with iron and flat-headed nails, ſhall be nine inches broad, drawn by more than two horſes, mares, geldings, or oxen inſtead of paying two ſhillings and ſix pence directed by ſaid act, ſhall pay only three pence.

The toll.

CCXIX. *ſect.* 4. And whereas by ſaid act, all coaches and paſſengers on horſeback, ſhall paſs and repaſs toll free on days on which there ſhall be an election for knight of the ſhire for the county of Armagh, or for any burgeſs for any borough in ſaid county, the ſaid clauſe is hereby repealed and made void.

9 G. 2. c. 19. ſ. 19. repealed.

CCXX. *ſect.* 5. The ſaid act of 9 *G.* 2. with ſuch variations as made therein by this preſent act, and alſo this act, ſhall be and continue in force forty one years from the expiration of ſaid act.

This and ſaid act continued 41 years.

CCXXI. *Stat.*

5 G. 2. c. 16 & 7 G. 2. c. 21. except as altered continued 21 years.

CCXXI. *Stat.* 13 & 14 *Geo.* 3. *cap.* 39. *ſect.* 1. The acts in the fifth and ſeventh years of George the ſecond, except what hereby repealed, altered, or explained, ſhall be of full force, commence, and take effect, and continue and be executed from the laſt day of this ſeſſion, for the further term of twenty one years, and from thence to the end of the then next ſeſſion, for the intents and purpoſes in ſaid acts and herein after mentioned.

Tolls as by 7 G. 2. c. 21.

CCXXII. *ſect.* 2. The tolls payable by ſaid act of the ſeventh of his late majeſty, in lieu of the tolls payable by ſaid act of the fifth year, ſhall be the only tolls and duties, which, in virtue of ſaid former acts, or either, ſhall be taken during continuance of ſaid acts, and of this act.

Truſtees appointed.

CCXXIII. *ſect.* 3. Truſtees for putting ſaid former acts, and this act in execution, and all the powers and authorities therein and hereby given, and on the deaths of any of ſaid truſtees, or refuſal to act, the reſt of ſaid truſtees, or any ſeven or more, to elect or appoint in the room of ſuch, ſo many more fit and able perſons, living in the county of Dublin, county of city of Dublin, and counties of Kildare, Meath, and Weſtmeath, to be joined with them in execution of ſaid acts, and of this act, and ſo from time to time, as often as there ſhall be occaſion.

Surveyors to raiſe materials.

CCXXIV. *ſect.* 4. It ſhall be lawful for ſurveyors, or ſuch perſons as they appoint, by order of ſaid truſtees, or any five or more, where not ſufficient materials for repairing ſaid road, to be had in any common or waſte ground adjoining, to dig, raiſe, and gather the ſame in grounds of any perſons, not deer park, or a field incloſed with a wall five feet high, or more, built with lime and ſtone, or brick, or a garden planted with trees, or orchard of ſix years growth, of any perſon who inhabits an houſe built with lime and ſtone, or bricks, or the planted walk or walks, or yard to any houſe built with lime and ſtone, or bricks, where any ſuch materials are or may be found, and to carry away as ſaid ſurveyors judge neceſſary, paying ſuch rate to owner or occupier of the ground carried away, as the ſaid truſtees, or any ſeven or more, at a general board, adjudge reaſonable; and in caſe of any difference touching value of the materials and damage, the judges of aſſize, or juſtice at next general aſſizes or ſeſſions, ſhall aſſeſs, and finally determine the ſame, upon a petition preferred; and where damages ſo agreed upon or aſſeſſed, and have been or ſhall be ſo paid by ſaid truſtees, it ſhall be lawful for ſurveyors, or ſuch perſons as they appoint, by order of ſaid truſtees, or any five or more, to dig and carry away neceſſary materials for repairs of ſaid road in ſuch grounds where gravel and other materials were before ſo taken and paid for, during the continuance of the eſtate therein of ſuch owner or occupiers, or of any perſons claiming or deriving by, from, or under them, or any of them; and that notwithſtanding any manner of incloſures of, or buildings hereafter to be erected in or upon ſuch grounds, paying damages in manner aforeſaid.

7 may make footpaths between Dublin and Leixlip;

CCXXV. *ſect.* 5. It ſhall be lawful for ſaid truſtees, or any ſeven or more, at a general board, when to them it ſhall ſeem fit, to make, lay out, and conſtruct, a foot path from Dublin to Leixlip, or any part or parts thereof;

120l. thereon.

provided the ſum expended in making and forming ſaid foot path, ſhall not in the whole exceed one hundred and twenty pounds, being, as computed at the rate of one ſhilling by the perch, and no more; to be paid out of the money ariſing from the ſeveral tolls.

Firſt paying creditors intereſt, and if remainder ſufficient for repair.

CCXXVI. *ſect.* 6. And provided, that intereſt due to creditors of ſaid road firſt paid and diſcharged; and that there alſo remain a ſufficient ſum,

part

part of ſaid tolls, in hands of truſtees, to amend and keep in intire and thorough repair ſaid high road and every part.

CCXXVII. *ſect.* 7. Whereas by ſaid act of fifth of his late majeſty, "all "coaches and paſſengers ſhall paſs toll free on days on which an election for "a knight of the ſhire, or for any burgeſs;" the ſaid clauſe is henceforth repealed and made void to all intents and purpoſes whatſoever. 5 G. 2. c. 16. ſ. 12. repealed.

CCXXVIII. *ſect.* 8. Said truſtees of ſaid Kinnegad road, or any ſeven or more, at a general board, ſhall out of the money from ſuch tolls and duties, make ſuch allowance to the clerk or regiſter, treaſurer, and ſurveyors of ſaid road, or appoint ſuch ſalaries, as to ſaid truſtees or any ſeven or more, ſhall ſeem good; ſo as ſuch ſalary for ſuch clerk or regiſter ſhall not exceed yearly thirty pounds, and for ſuch treaſurer the yearly ſum of fifty pounds, and for ſuch ſurveyor or ſurveyors thirty pounds. Allowance to clerk 30l. yearly. treaſurer 50l. ſurveyors 30l.

CCXXIX. *ſect.* 9. The acts fifth, ſeventh, and twenty third of George the ſecond, as alſo one other act ſixth of his preſent Majeſty, except what hereby repealed, altered, or explained, ſhall continue, be executed, and obſerved by ſaid truſtees and their ſucceſſors, during continuance of this act. 5 G. 2. c. 15. 7 G. 2. c. 21. 23 G. 2. c. 16. 5 G. 3. c. 14. continued during this act, ſave as altered.

CCXXX. *ſect.* 10. It ſhall be lawful for grand juries of Weſtmeath and King's county to encreaſe the ſalaries of the treaſurers of ſaid counties reſpectively, to a ſum not exceeding thirty pounds a year in the whole for each of ſaid treaſurers. Treaſurers ſalaries 30l. a year each.

CCXXXI. *ſect.* 11. The tolls paid at the ſeveral gates erected in purſuance of this act within ten miles of Dublin, or the rents reſerved under leaſes by ſaid truſtees of ſaid gates or tolls within aforeſaid diſtance of ſaid city, ſhall be applied, firſt to repair the parts of ſaid road next adjoining to ſaid gates reſpectively, and ſuch parts as neareſt to ſaid gates before the remote parts repaired; and the repairs ſhall be carried on from time to time as aforeſaid, according to the diſtance of the parts to be repaired from ſaid gates reſpectively. Tolls within ten miles of Dublin applied, firſt to the neareſt parts.

CCXXXII. *ſect.* 12. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and all other perſons whatſoever without ſpecially pleading. A publick act.

CCXXXIII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 6. *ſect.* 1. Whereas by an act the laſt ſeſſions for amending the road from Dundalk to Dunleer, in the county of Lowth, the truſtees in ſaid act are not permitted to receive tolls from perſons travelling on ſaid road, except at ſuch gate, as ſhall be erected by their order between the white houſe of Lurgan Green and the road from Lurgan Green to Ardee, through the commons of Drumiſkin, by the lands of White Rath, and from thence to the great road from Ardee to Dundalk; by which means many perſons travelling from Dundalk to Dunleer paſs through ſaid commons of Drumiſkin without paying toll at ſaid gate, to the very great diminution of the tolls neceſſary for repair of ſaid road; for amending the road from the houſe of Mathew Caſſidy in the bridge ward of Dundalk to the town of Dunleer aforeſaid, it ſhall be lawful for the truſtees in ſaid act, or any ſeven or more (from the paſſing of this act) to authorize ſuch perſon or perſons, as they ſhall appoint, to erect one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of ſaid road from Dundalk to Dunleer, between the road leading from ſaid turnpike road to the houſe formerly inhabited by James Matthews in Haggardſtown, and the ſaid white houſe of Lurgan Green, and alſo a toll houſe or toll houſes, and Recital of 13 & 14 G. 3. c. 30. The truſtees or any 7 may erect turnpikes on any parts of the road from Dundalk to Dunleer during the term.

there to demand, receive, and take the tolls and duties, which ſaid truſtees are impowered to take by ſaid act at the gate now erected upon ſaid road, during the term mentioned in ſaid act.

Recital 25 G. 2. c. 19.

CCXXXIV. *Stat.* 15 & 16 *Geo.* 3. *cap.* 12. *ſect.* 1. Whereas by an act 25th of George the ſecond, *for making the road from Athy to Leighlinbridge*, ſeveral tolls and duties are charged, and one penny for every carriage drawn

tolls inſufficient;

but by one horſe; and ſaid tolls and duties are inſufficient to keep ſaid roads in repair, and pay the intereſt of the ſums raiſed on credit of ſaid act;

2d. every carriage by 1 horſe, except with turf.

in lieu of ſaid toll or duty of one penny, two pence be paid for every car or carriage, drawn but by one horſe, mare, or gelding, paſſing, or repaſſing on ſaid road, excepting cars and horſes loaded with turf, to the perſon named in ſaid act, or ſurvivors of them, or any five or more, or to ſuch perſons as they or ſurvivor, or any five or more, ſhall authorize or appoint, to and for the uſes and purpoſes in ſaid act ſet forth; the ſaid toll or duty to be paid and recoverable in ſuch manner and form as the other tolls and duties are paid and recoverable by ſaid act.

25 G. 2. c. 19. not otherwiſe altered.

CCXXXV. *ſect.* 2. All tolls and duties in ſaid act, and all and every the clauſes and matters therein, not altered or amended by this, ſhall be in full force; it not being intended by this act to alter or amend the ſame but in the particular aforeſaid.

Recital 9 G. 2. c. 23.

CCXXXVI. *Stat.* 15 & 16 *Geo.* 3. *cap.* 13. *ſect.* 1. Whereas an act paſſed ninth George the ſecond, *for repairing the road from Kilcullen to Timolo*, and the

tolls inſufficient;

tolls and duties granted have not been ſufficient; for more effectually amending and repairing ſaid road, and keeping in good order and repair, and ſecuring the debts now due, or which ſhall hereafter become due, on account of ſaid

truſtees named;

roads for honeſt and fair creditors; William duke of Leinſter, Richard earl of Cavan, &c. and ſurvivors of them, ſhall be truſtees of ſaid road, and they, or any five or more, or ſuch perſons as they appoint, ſhall and may after the firſt of April, 1776, cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part of ſaid road, and alſo

the toll;

toll houſes, and there to take the tolls and duties following; for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, geldings, mares, or mules, two ſhillings; drawn by four geldings, mares, or mules, one ſhilling and ſix pence; drawn by two horſes, mares, geldings, aſſes, or mules, one ſhilling; every waggon, wain, cart or carriage with four wheels, five ſhillings; with two wheels, drawn by three or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, three ſhillings; of two wheels, drawn by two, ſix pence; every chair, or chaiſe, or capriole, drawn by one, ſix pence; every cart, car, or other carriage, having but one, two pence, except cars and carriages with turf only, and drawn by one, which are hereby exempted from any of ſaid tolls; every horſe, mare, gelding, mule, or aſs with any perſon riding, two pence; laden or unladen, and not drawing or having any perſon riding, three half pence; every drove or ſcore of oxen, cows, or neat cattle, two ſhillings and ſix pence, and ſo in proportion; every drove of calves, hogs, ſheep, goats, or lambs, one ſhilling and three pence by the ſcore, and ſo in proportion; every carriage whereon any mill ſtone, two ſhillings and ſix pence; which ſums ſhall be demanded and taken as a toll or duty; and the money ſo raiſed ſhall be veſted in ſaid truſtees; and every part thereof paid, applied, diſpoſed of, and aſſigned to the purpoſes,

poſes, and in ſuch manner as herein after directed; ſaid truſtees, or any five or more, are impowered by themſelves, or any perſons by them, under their hands and ſeals authorized, to levy the toll upon any perſons, who after demand neglect or refuſe to pay, by diſtreſs of any horſes, cattle, or goods, upon which ſuch toll is by this act impoſed, or upon any goods and chattles of ſuch perſons who ought to pay the ſame, and may detain and keep until ſuch toll, with reaſonable charges of ſuch diſtraining and keeping, be paid; and it ſhall be lawful for perſons ſo diſtraining, after five days, to ſell the goods diſtrained, returning the overplus (if any) upon demand to the owner.

on refuſing may diſtrain and ſell in five days,

CCXXXVII. *ſect.* 2. Out of the firſt money from the profits of the turnpikes, ſaid truſtees, or any five, ſhall firſt pay and diſcharge the expence of procuring this act, and erecting ſuch turnpikes and toll houſes; then the profits and toll at any turnpikes now or hereafter erected ſhall be applied for and towards the repair of ſaid road, beginning ſuch repairs at the green of Kilcullen, and continuing directly on through Athy to the bounds of the county of Kildare; and after compleatly amended and repaired, all arrears of intereſt now due upon money advanced upon credit of the tolls eſtabliſhed by ſaid act ninth of George the ſecond, ſhall be diſcharged, then, and not before, the profit ariſing by ſaid toll and all money borrowed on credit of ſaid toll, ſhall be applied towards making and keeping in repair ſaid road from the bounds of county of Kildare to Timoho; and thenceforward the produce ſhall be diſtributed and paid impartially and without preference to each creditor, towards diſcharge of intereſt proportionably to principal advanced on credit of ſaid tolls, ſuch payments not to exceed ſix pounds by the hundred yearly.

Charges firſt paid;

then to repair to bounds of Kildare; and arrears of intereſt;

then to Timoho;

then to intereſt not above 6 per cent.

CCXXXVIII. *ſect.* 3. If any perſons owning, renting, or occupying any land near any turnpike, permit any perſon whatſoever to paſs through any gate, paſſage, or way, to avoid the toll, and thereof convicted upon oath of one or more witneſſes before ſaid truſtees, or any five, or before one juſtice for the county wherein offence committed, who are hereby impowered and required to adminiſter ſuch oath, and to hear and determine in a ſummary way, ſuch perſons ſhall forfeit and pay to the truſtees ten ſhillings by diſtreſs and ſale of goods, by warrant, rendering overplus to the owner, the charges being firſt deducted.

Permitting paſſage to avoid toll 10s.

CCXXXIX. *ſect.* 4. It ſhall be lawful for ſaid truſtees to erect turnpikes on the ſaid highway acroſs any way or lane leading out of ſaid road and toll houſes, and take ſuch toll as appointed by this act, ſo as not a double charge in caſe of paſſing through any other turnpikes.

Side gates ſo as no double charge.

CCXL. *ſect.* 5. Said truſtees, at meetings, by writing under hands and ſeals, may appoint fit perſons receivers or collectors of ſuch toll, and alſo ſurveyors, and from time to time remove, as they ſee occaſion, and appoint new ones; and ſuch receivers, collectors, or ſurveyors, ſhall upon oath before ſaid truſtees, or any five, or before one juſtice reſiding near the road, on the firſt Tueſday in every month, or oftener if required, give in a true, exact, and perfect account in writing, under their hands of all monies they have received, paid, and diſburſed, for which oath no fee or reward taken: and in caſe any money remain in their hands, paid to ſaid truſtees, or any five, or ſuch perſons as ſaid truſtees by writing under hands and ſeals impower; which ſhall be diſburſed and laid out in amending ſaid road, and the

5 truſtees may appoint collectors and ſurveyors, and remove, accountable monthly on oath;

reſidue paid to truſtees, for purpoſes of this act;

other purpoſes according to true intent and meaning of this act, and not otherwiſe; and ſaid truſtees ſhall make ſuch allowance to receivers, collectors, and ſurveyors, and other perſons aſſiſting in procuring ſaid road to be repaired by advancing or laying out any money, or otherwiſe, as to them ſeem good; ſo as ſuch allowance to collectors do not annually exceed twenty pounds, and to ſurveyors not exceeding two ſhillings per day, during ſuch times as employed in the repair; and ſo as allowance to other perſons employed does not exceed fifteen pounds yearly to each; and in caſe receivers, collectors, ſurveyors, ſhall not make ſuch account or payment, ſaid juſtices at any ſpecial ſeſſion for the county, in which ſuch have acted, ſhall make inquiry, and finally determine of ſuch default, as well by confeſſion of parties, as by teſtimony upon oath; and ſhall upon conviction commit to the common gaol of the county, where offence committed, without bail or mainprize, until a true and perfect account and payment.

allowance to collectors not above 20l. a year; ſurveyors 2s. a day, others 15l. a year each;

defaults inquired of at ſeſſions;

impriſonment till account and payment.

CCXLI. *ſect.* 6. It ſhall be lawful for ſaid truſtees, or any nine, to erect turnpikes on the ſeveral roads leading to fords or paſſages in or through the river Barrow, at and between the towns and lands of Miltown and Magenny in county of Kildare.

Turnpike at fords in the Barrow; by 9 truſtees.

CCXLII. *ſect.* 7. It ſhall be lawful for ſurveyors, and ſuch perſons as they appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid road do lie; and for want of ſufficient there, out of the waſte of common of any neighbouring pariſh, town, village, or hamlet, without paying for the ſame; and where not ſufficient in common or waſte near adjoining may, by order of any five, in writing, raiſe the ſame in grounds of any perſons, not built upon, and not a park, garden, orchard, yard, or meadow, planted walk, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſo much as ſaid ſurveyors ſhall adjudge neceſſary for amending and repairing, paying ſuch rates to owner or occupier, as the truſtees, or any five, adjudge reaſonable; and in caſe any difference touching the damage ariſe, the judge at next aſſizes ſhall finally determine the ſame.

Surveyors to raiſe materials;

places excepted;

paying damage as by 5 truſtees; difference ſettled next aſſizes.

CCXLIII. *ſect.* 8. It ſhall be lawful for ſurveyors, and perſons as they appoint, to remove and prevent annoyances, and to cleanſe any ditch or water courſe adjoining, and cut down, lop, or top any trees or buſhes on ſaid highway, or in hedges or banks immediately adjoining, and to take away and remove, the owner or occupier neglecting ten days after notice in writing of five truſtees, the charges whereof ſhall be reimburſed by ſuch owner or occupiers; and if after removal any perſons again offend in like kind, ſuch perſons, being convicted upon oath before one juſtice for the county, ſhall for every ſuch offence forfeit unto ſaid truſtees, where ſuch offence committed, ten ſhillings, to be levied in manner aforeſaid.

Annoyances removed.

CCXLIV. *ſect.* 9. It ſhall be lawful for ſurveyors, by order of five, to make cauſeways upon the ſaid walk, and to make drains through any grounds contiguous to ſaid roads, and erect arches of brick, timber, or ſtone, and widen narrow parts, by opening, clearing, and laying into the ſaid highway any ground of any perſons contiguous, ſuch ground not being built upon, and not a park, garden, orchard, yard, planted walk, or avenue to a houſe, and alſo cauſe ditches or trenches to be made in ſuch places as aforeſaid and in ſuch manner as any five adjudge neceſſary, making ſuch reaſonable

Cauſeways and drains made;

road widened;

ditches and trenches;

reaſonable ſatisfaction to owner or occupier for damages, as aſſeſſed by the judge or judges of aſſize next after, or by the juſtices of peace at next general aſſizes or quarter ſeſſions, in caſe of any difference, which ſaid judges or juſtices are authorized to hear and determine in a ſummary way; if any owner or occupier of water courſes or ditches adjoining, neglect or refuſe to ſcour or cleanſe, and to make ſo deep, and in ſuch manner as ſurveyors adjudge convenient, after eight days notice, it ſhall be lawful for ſurveyors to ſet men to ſcour and make the ſame, and by warrant in writing of any five truſtees to levy the charge upon the goods or eſtates of owners or occupiers, by diſtreſs and ſale, rendering the overplus, after all charges.

ſatisfaction for damages;

difference ſettled next aſſizes or ſeſſions;

ditches cleanſed after 8 days notice.

CCXLV. *ſect.* 10. Provided if ſuch owner or occupier find him or herſelf aggrieved by ſaid ſurveyors, in making or enlarging ſuch water-courſes, ditches, or any of them, of or to unneceſſary or unreaſonable dimenſions, or in more inconvenient places, or greater number than neceſſary, or ſhall demand or require unreaſonable ſums for doing the ſame, it ſhall be lawful to complain to the next quarter-ſeſſions for the county, giving eight days notice to ſaid ſurveyor; which court ſhall have full power and authority to give relief; and if ſuch cauſe of complaint happen within fourteen days before next quarter-ſeſſions, in like manner to make complaint at the ſecond quarter-ſeſſions.

Complaint by owner on 8 days notice to next ſeſſions; or if within 14 days to the ſecond.

CCXLVI. *ſect.* 11. It ſhall be lawful for ſaid truſtees, or any five, to aſcertain, deſcribe, and ſet apart ſuch proportion of lands adjoining, as they judge neceſſary for carrying in a more direct line; provided no part be built on, and not part of any garden, orchard, yard, planted walk, or avenue to a houſe, or of any park or paddock for deer, or any field incloſed with a ſtone wall five feet high, made with lime and ſand; and to treat with owners, or others intereſted in ſaid ground for recompence and ſatisfaction; in caſe any perſons neglect or refuſe to treat, or through any diſability by non-age, coverture, or ſpecial limitation in any ſettlement, or other impediment, cannot or otherwiſe however refuſe to diſpoſe of their intereſts in ſuch land, as ſaid truſtees think convenient, ſaid truſtees are impowered to iſſue warrants to ſheriffs to impanel and return, at ſuch time and place within the county as appointed in ſuch warrants (of which notice is to be given to the party at leaſt five days before) a ſufficient jury, who upon their oaths ſhall enquire into the true and real value; and ſuch verdicts or inquiſitions as found and returned, aſcertaining the value, ſhall be final and concluſive as well to ſaid truſtees, as to the ſeveral owners and proprietors, notwithſtanding any diſability or incapacity whatſoever.

Road ſhortened by 5 truſtees;

ſatisfaction made; on refuſal to treat, or diſability, warrant to ſheriff to return a jury; 5 days notice;

verdict final.

CCXLVII. *ſect.* 12. Said truſtees, or any nine, may, under hands and ſeals, aſſign over ſaid toll, or any part, the coſt and charges to be paid out of ſuch toll, for any term or time during this act, as a ſecurity for any money borrowed for that purpoſe, to ſecure the repayment, with lawful intereſt, or leſs, if the ſame can be ſo had; which money ſhall be applied and diſpoſed of towards all or any of the purpoſes by this act.

9 truſtees may borrow on aſſignment of toll.

CCXLVIII. *ſect.* 13. It ſhall be lawful for ſaid truſtees, or any nine, to make out orders in writing to treaſurer or receiver, requiring him to pay to perſons named, their executors, adminiſtrators, and aſſigns, the growing intereſt, as the ſame ſhall from time to time become due, until the principal paid off and diſcharged at one entire payment, or otherwiſe; provided no order be for greater ſum than fifty pounds.

Orders by 9 truſtees to pay intereſt; no order above 50l.

CCXLIX. *ſect.*

Orders transferable by indorſement;

CCXLIX. *ſect.* 14. All perſons to whom ſuch order given, or their executors or adminiſtrators, may by indorſements transfer the rights and benefit of the ſum mentioned; which indorſements, upon notice to the treaſurer or receiver, and an entry in a book for that purpoſe, which treaſurer

entered.

ſhall, upon requeſt, without charge, fee, or reward, make accordingly, and permit to be viewed, at reaſonable hours, ſhall entitle the indorſee or aſſignee, executor, adminiſtrator, or aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned, and ſaid order may in like manner be aſſigned or transferred by ſuch aſſignee, executors, or adminiſtrators, and ſo *toties quoties*; and after ſuch aſſignment it ſhall not be in the power of perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge ſaid aſſignment, or the

Numbered.

ſum transferred, or any part.

CCL. *ſect.* 15. Treaſurer ſhall arithmetically number all orders given in purſuance of this act, as delivered out, commencing by number one.

Surplus 200l. drawn by ballot at Athy;

CCLI. *ſect.* 16. The tolls ſhall be applied to the purpoſes before mentioned, and alſo to diſcharge of the intereſt of money borrowed, and all the ſurplus applied in diſcharge of the principal ſo borrowed, or to be borrowed, in manner herein after mentioned, *viz.* when ſuch ſurplus ſhall amount to two hundred pounds, ſaid treaſurer ſhall cauſe the number of all orders and ſums contained to be written on ſeveral tickets of parchment, rolled, ſealed up, and put into a box or urn, and well mixed together, and an indifferent perſon appointed by ſaid truſtees, or any five, ſhall

20 days advertiſement.

publickly between ten and twelve, of a day publickly advertiſed in the Dublin Gazette at leaſt twenty days before, at Athy, draw out as many, as the ſums contained ſhall amount to two hundred pounds; and the perſons, the number of whoſe orders, or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after ſaid orders ſo drawn, be paid the principal with the intereſt, and ſhall, upon payment thereof, deliver up their orders to ſaid treaſurer to be cancelled; and the intereſt ſhall ceaſe from the expiration of twenty days, counted from the day of drawing.

Tolls at firſt gate;

CCLII. *ſect.* 17. Provided, in caſe more than one turnpike on the ſide of ſaid highway, no perſon having paid toll at the firſt gate through which ſuch perſon ſhall paſs, and producing a note or ticket, ſhall be liable to pay

but once a day.

any toll at any other, ſuch perſon delivering ſaid ticket at the latter gate the ſame day; and no perſon, having occaſion to paſs where the toll taken, who ſhall return the ſame day upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or carriage, ſhall be liable the ſame day to pay ſaid toll more than once in the ſame road.

Giving tickets to avoid toll 10s.

CCLIII. *ſect.* 18. Every perſon giving, diſpoſing, or offering, and the perſon receiving, notes or tickets, being convicted upon oath before ſaid truſtees, or any five, or before one juſtice, ſhall reſpectively forfeit ten ſhillings, to be levied, recovered, and diſpoſed of, as any other penalty for forfeiture is directed by this act.

Election days toll free.

CCLIV. *ſect.* 19. Provided all coaches and paſſengers on horſeback ſhall paſs and repaſs toll free on the day, on which an election for knight of the ſhire for Kildare or Queen's county, or for any burgeſs for any borough in ſaid counties.

5 truſtees may compound.

CCLV. *ſect.* 20. Said truſtees, or any five, may compound or agree by the year, or otherwiſe, with any perſon uſing to travel through with any milch cows, horſe, mare, or gelding, aſs, or mule, coach, or other carriage, for any ſum paid quarterly for time to time.

CCLVI. *ſect.*

CCLVI. *ſect.* 21. Provided no perſon ſhall be charged, who ſhall carry any quantity of materials for making or repairing ſaid road, or any of the roads in the pariſhes in which the ſame lie, or in any of the neighbouring pariſhes, nor be chargeable for any carts, cars, or waggons loaden with corn in the ſtraw only, nor for plows, harrows, or implements of huſbandry, in order to the uſing or repairing of the ſame in the pariſhes which the ſaid highway or road do lie; nor any toll taken for any cattle going to water, or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as uſed only to ride on by owner or driver of any carriage; provided ſuch horſe paſs through with ſuch carriage; nor taken for horſes of ſoldiers upon march, or for carriages attending them, nor carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted. Perſons exempted.

CCLVII. *ſect.* 22. The toll ſhall take place and have continuance from firſt of April, 1776, during ſixty one years. Continue 61 years.

CCLVIII. *ſect.* 23. Provided, if before expiration of ſixty one years all parts of ſaid road ſufficiently made, amended, and repaired, and ſo adjudged by majority of truſtees, and after repayment of money borrowed, with intereſt, and coſts and charges thereof, ſaid tolls ſhall be decreaſed reſpectively one half of their preſent amount, the ſaid reſerved moiety to be applied towards keeping up and preſerving ſaid road in repair. On adjudication of truſtees and repayment, toll decreaſed one half.

CCLIX. *ſect.* 24. It ſhall be lawful for ſaid truſtees, or any five, upon death, removal, or refuſing to act, to elect another fit and able perſon, or ſo many perſons more living in county of Kildare and Queen's county, to be joined in execution of all powers in them repoſed. Vacancies ſupplied.

CCLX. *ſect.* 25. The clerk and treaſurer ſhall, fourteen days previous to the firſt of May every year, give notice by advertiſement in the Gazette of a board to be held in Athy on the firſt of May between eleven and three, at which ſaid truſtees, or any nine, ſhall proceed to examine accounts; and ſaid clerk and treaſurer are to produce their books and all accounts; at which board the creditors, or their agents, may regiſter their debentures, and ſettle their accounts, and receive from ſaid truſtees ſuch payments of intereſt or principal, as the funds will enable ſaid truſtees to make; ſuch payments made in ſuch manner and under ſuch reſtrictions as already mentioned. Board at Athy every 1ſt May; advertiſed 14 days before; books produced; accounts ſettled.

CCLXI. *ſect.* 26. Said truſtees, or any fifteen, ſhall meet at Athy on the firſt of April next, may then adjourn, and afterwards meet there, or at any other place near ſaid highway, as ſaid truſtees or any five think proper and convenient, as often as neceſſary; and if there ſhall not appear a ſufficient number to act, and to adjourn, the clerk, by notice in writing, affixed at turnpikes at leaſt ten days before next meeting, ſhall appoint ſaid truſtees to meet where laſt appointed, or at ſome other convenient houſe near ſaid road, on that day fortnight upon which ſuch laſt meeting was appointed; and ſaid truſtees at all meetings ſhall defray their own charges and expences. Meetings appointed.

CCLXII. *ſect.* 27. Provided no truſtee ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll, but ſuch perſon ſhall be incapable from time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee. No place of profit to truſtee.

CCLXIII. *ſect.* 28. If any ſuit commenced for any thing in purſuance of this act, the action ſhall be laid in county of Kildare or Queen's county, and not elſewhere; and defendants may plead general iſſue, and give this act Actions in Kildare or Queen's county; general iſſue, &c.

act and the ſpecial matter in evidence, and if it appear ſo, or ſuch action brought in any other county, the jury ſhall find for defendants, and upon ſuch verdict, or if plaintiff be nonſuited, or diſcontinue after defendants appeared, or if on demurrer judgment given againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy for the ſame as in any other caſes in law.

treble coſts to defendants.

A publick act.

CCLXIV. *ſect.* 29. This deemed a publick act.

Tolls and proviſions in 9 G. 2. c. 23. to ceaſe.

CCLXV. *ſect.* 30. Provided from the firſt of April, 1776, the tolls granted by ſaid act the ninth year of his late majeſty, and all proviſions therein, not hereby re-enacted, ſhall ceaſe.

Continuance 41 years.

CCLXVI. *ſect.* 31. Provided the ſeveral tolls and duties hereby granted, and all other the proviſions and regulations therein contained, ſhall take place and have continuance from and after the 1ſt of April, 1776, for and during the term and ſpace of 41 years, and no longer.

On adjudication of truſtees and repayment, toll to ceaſe.

CCLXVII. *ſect.* 32. If before expiration of ſaid term of 41 years all parts of ſaid road ſufficiently amended and repaired, and ſo adjudged by majority of truſtees, and if re-payment made of the money advanced or borrowed on credit of ſaid tolls, with all intereſt, and if all coſts and charges attending the ſame paid and ſatisfied, ſaid tolls ſhall ceaſe, and be utterly void, any thing herein before to the contrary notwithſtanding.

Recital 3 & 4 G. 3. c. 36.

CCLXVIII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 28. *ſect.* 1. Whereas the regulations in an act the third and fourth of his preſent majeſty, *for making more convenient approaches to the city of Dublin, by a new turnpike road*, are not ſufficient, and ſince ſaid act many houſes have been built to the northward of Mc Donnell's lane, which will make it highly inconvenient to have the road in the direction pointed out by ſaid act, but it will be much more advantageous to inhabitants of Dublin to have ſaid road to the northward of Eccles-ſtreet: therefore for the ſurveying making, amending, and keeping in repair a circular road ſixty feet wide in the clear at leaſt, round Dublin, beginning at the wall of the river Anna Liffy to the eaſtward of marine nurſery, and from thence to the new bridge lately built on the ſouth of Kilmainham, and acroſs ſaid river at or near Iſland bridge, and on the outſide of his majeſty's park the Phœnix, to the northward of the fields of Henry Meredyth, near the road from Dublin to Finglaſs, and from thence to the northward of Eccles-ſtreet in Dorſet-ſtreet, and to the wall of the river eaſtward of the delft manufactory, lately kept by —— Aſhbourne, in ſuch direction as ſaid truſtees or any fifteen under their hands and ſeals order and direct; it ſhall be lawful for the members of both houſes, and the truſtees named in ſaid act, or elected ſince, and every juſtice for the county and city of Dublin, having eſtate of freehold in lands, tenements, and hereditaments, of the clear yearly value of two hundred pounds at leaſt, within either of ſaid counties, or any ſeven or more, or ſuch perſon as any ſeven appoint, to erect, or cauſe to be erected, one or more gates or turnpikes upon any part of ſaid road, and toll houſes, and there to demand, receive, and take, inſtead of the tolls and duties in the former act (which from the paſſing hereof ſhall ceaſe and be repealed) the tolls and duties following, for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes or more, one ſhilling and ſix pence; drawn by leſs than ſix, and more than two, one ſhilling; drawn by two horſes, ſix pence; for every chaiſe, or chair with one horſe, three pence;

regulations therein inſufficient;

for making the circular road in more convenient direction;

7 truſtees may erect turnpikes;

and take tolls in lieu of the former repealed;

coach and 6, 1s. 6d.

more than 2, 1s. with 2 horſes, 6d.

pence; every brewer's dray, with wheels narrower than nine inches, five shillings and five pence; every waggon, wain, cart, or carriage with four wheels, the breadth not leſs than ſix inches at the ſole, and the ſtreaks ſet on with flat or roſe-headed nails, and the fore axle tree being ſo much ſhorter than the hind, that ſuch carriage ſhall roll at leaſt ten inches of the road in breadth on each ſide, and the wheels at ſuch a diſtance from each other, that the ſpace between the middle of the one track, and the middle of the other, ſhall be from four feet ten inches to five feet, drawn by three or more horſes, three pence; every waggon, wain, or cart, or carriage with two wheels, the breadth not leſs than ſix inches at the leaſt, and the ſtreaks thereof ſet with flat or roſe-headed nails, two pence; every waggon, wain, or cart with four wheels, narrower than ſix inches, ten ſhillings; every waggon, wain, or cart, with two wheels narrower than ſix inches, having two or more horſes, five ſhillings; every cart or car having but one horſe, or mule, the breadth of the wheels being three inches at the ſole, and the ſtreaks ſet on with flat or roſe headed nails, two pence; every cart or car having but one horſe, or mule, the breadth of the wheels being four inches at the ſole, and the ſtreaks ſet on with flat or roſe-headed nails, one penny halfpenny; every car or cart having but one horſe, or mule, with wheels narrower than three inches, one ſhilling; every horſe, mare, gelding, mule, or aſs, laden or unladen, not drawing, one penny; every drove of oxen or neat cattle, one ſhilling and eight pence by the ſcore, and in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, ten pence by the ſcore, and ſo in proportion; which ſums ſhall be raiſed and levied by, and veſted in ſaid truſtees, and paid, applied, diſpoſed of, and aſſigned to making or repairing ſaid circular road, and for the ſeveral purpoſes, and under the regulations by ſaid former or this act particularly mentioned; and ſaid truſtees ſhall be veſted with all ſuch powers and authorities, as by ſaid act are granted, except where hereby altered, and alſo veſted with ſuch other powers and authorities, as hereby granted and appointed.

drays with wheels under 9 inches 5s. 5d.

4 wheeled waggons, &c. with 6 inch wheels and flat nails, rolling 10 inches, &c. drawn by 3 or more, 3d.

2 wheeled, 2d.

4 wheeled, under 9 inches 10s.

2 wheeled, 5s.

cars, 3 inch wheels, 2d. narrower 1s.

4 inches, 1½d.

a horſe, &c. 1d.

oxen 1s. 8d. a ſcore,

calves, &c. 10d.

veſted in the truſtees for ſaid road,

with all powers in ſaid act, ſave as altered.

CCLXIX. *ſect.* 2. No gate, turnpike, or toll houſe, ſhall be erected, or tolls paid, upon any part of the preſent road made by lord Fitzwilliam between the ſouth wall of ſaid river and the road from Dublin to Donnybrook.

No turnpikes on lord Fitzwilliam's road.

CCLXX. *ſect.* 3. No part of the intended road ſhall be made through any part of the eſtates of lord Palmerſtown, or of Henry Monck, without their conſent, or conſent of their heirs previouſly had.

Not thro' eſtate of lord Palmerſtown, or H. Monck, without conſent.

CCLXXI. *ſect.* 4. No gate, turnpike, or toll houſe ſhall be erected, or any toll demanded at any turnpike gate, between caſtle of Dublin, and any part of ſaid circular road, except by order of ſaid truſtees, or any fifteen, under penalty of ten pounds ſterling, to be levied off the goods and chattles of the perſon levying ſuch toll, or keeping ſuch gate, upon conviction thereof, before any juſtice of the county, or county of the city of Dublin, who are hereby authorized to hear ſuch complaint, and upon conviction to iſſue warrant accordingly.

No turnpike or toll between Dublin caſtle, and any part of ſaid road, penalty 10l.

CCLXXII. *ſect.* 5. Said truſtees, or any ſeven, authorized from time to time to treat, contract, and agree with owners, proprietors, occupiers, and perſons intereſted in any lands, tenements, houſes, buildings, grounds, or hereditaments, through which ſuch road is to be made, for purchaſe thereof, or by way of rent or otherwiſe, as ſaid truſtees, or any ſeven of them, think fit, and to pay for the ſame, and for any loſs or damages in any manner, as by ſaid former act directed; and alſo it ſhall be lawful for all bodies politick, corporate, or collegiate, corporations aggregate or ſole, and all feoffees in truſt,

7 truſtees may agree for purchaſe or rent of grounds, &c.

and treat with corporations, truſtees for infants, &c.

truſt, executors, adminiſtrators, guardians, committees, and other truſtees whatſoever, for any infants, femes covert, lunaticks, idiots, or ceſtuique truſts, and for all perſons ſeized, poſſeſſed of or intereſted in any wiſe in any ſuch lands, tenements, houſes, buildings, ground, or hereditaments, to treat with ſaid truſtees, any ſeven or more, for purchaſe, and to convey the ſame to ſaid truſtees, in ſuch manner and form, as by ſaid former or this act is directed; and ſuch truſtees, in caſe of neglect or refuſal of ſuch owners, proprietors, occupiers, or perſons intereſted, to treat or agree for purchaſe of ſuch lands, tenements, houſes, buildings, grounds, and hereditaments, or any part thereof, as in ſaid former or this act ſet forth, ſhall have ſuch power and authority to ſummon juries, and to examine upon oath, and adjudge compenſation to ſuch owners, proprietors, occupiers, or perſons intereſted, and charge the ſame upon the tolls, in ſuch manner, and under ſuch regulations, as in ſaid act particularly ſet forth; and it ſhall be lawful for ſaid truſtees, or any ſeven, with workmen or agents, to take down ſuch houſes, buildings, and tenements, and lay the ground whereon erected, and alſo ſuch other grounds, lands, and hereditaments as aforeſaid, or ſuch part thereof, into ſuch new road, as they think fit, and ſuch new road, when ſo laid out and made, ſhall become a common highway, and be repaired, and kept in repair, and the annual rents thereof paid, and payment of tolls of ſuch road enforced under ſuch regulations, as in ſaid former or by this act particularly ſet forth; any proviſo in ſaid act to contrary thereof in any wiſe notwithſtanding.

on refuſal may ſummon juries, examine and adjudge compenſation as by ſaid act;

take down houſes, &c.
lay grounds into the new road,

to be a common highway;
repaired and rents paid as by this and ſaid act.

CCLXXIII. *ſect.* 6. All ſuch other powers and authorities for making, repairing, ſurveying, and keeping in repair ſaid circular road, or collecting and aſſigning the tolls, and all other powers and authorities whatſoever, given to the truſtees by ſaid act, and not herein particularly repealed, continued to ſaid truſtees appointed by this act in ſuch manner and form, as by ſaid former act ſet forth.

Truſtees powers not repealed, continued.

CCLXXIV. *ſect.* 7. It ſhall be lawful for ſaid truſtees, or any ſeven, every year, to appoint one ſuperintendant for the ſouthern diviſion of ſaid road, and one for the northern, and the ſurveyors appointed, or to be appointed, purſuant to ſaid former act, and ſuch perſons as they ſhall appoint from time to time, to remove and prevent annoyances on any part of ſaid road, or within thirty feet of the centre, by filth, dung, aſhes, rubbiſh, ſewers, or drains running into ſaid road, and to cleanſe any ditch, ſewer, or water-courſe adjoining, or which may be neceſſary to carry off the water therefrom.

7 truſtees yearly to appoint a ſuperintendant for ſouthern and northern diviſion;
to prevent annoyances within 30 feet of the centre;
and to cleanſe ſewers, &c.

CCLXXV. *ſect.* 8. The toll or duty hereby granted, ſhall take place and have continuance from 26th of April, 1776, during 41 years.

Toll continued 41 years from 26 April, 1776.

CCLXXVI. *ſect.* 9. No money ſhall be granted at any board for making or repairing any part of ſaid road, unleſs it appear by affidavit of two credible perſons, who can read and write, ſworn before any two juſtices for the county or city of Dublin, that ſuch a ſum is neceſſary to make or repair ſo many perches of ſaid road, at ſo much by the perch, and that a ſmaller ſum will not be ſufficient; and no money ſhall be paid by the treaſurer to any overſeer, unleſs ſuch overſeer ſhall deliver an affidavit ſworn before a board of ſaid truſtees, or any two juſtices for ſaid county or city, that ſaid ſum hath been faithfully and honeſtly expended in making or repairing ſo many perches of ſaid road, and for his wages, at not more than eighteen pence for each pound ſo expended in making or repairing, and that he did attend ſaid work diligently and carefully, and ſhall alſo produce an exact account of the number of men, horſes, and cars, employed each day at ſaid work, and ſwear to truth of

No grant at board but on affidavit of 2 literate, before 2 juſtices, that leſs will not ſuffice;
nor payment by treaſurer without affidavit by overſeer before a board or 2 juſtices of expending faithfully, and for wages 18d. per £. of attending carefully, and an exact account;

of ſaid account; and if there ſhall not appear at any meeting appointed by ſaid truſtees a ſufficient number to act, and adjourn to any other day, the treaſurer, by notice in Dublin Gazette, at leaſt twenty days before next meeting, ſhall appoint ſaid truſtees to meet where the meeting laſt appointed, or at ſome convenient place near ſaid road; and ſaid truſtees, at every meeting, ſhall defray their own charges and expences.

on default of truſtees, treaſurer to appoint meeting, 20 days notice in Gazette; truſtees defray their charges.

CCLXXVII. *ſect.* 10. In any ſuit for any thing done in purſuance of this act, defendants may plead the general iſſue, and give the ſpecial matter in evidence, and have ſuch other advantages, as in the former act in ſuch caſe ſet forth.

General iſſue pleaded by defendants, &c.

CCLXXVIII. *ſect.* 11. This act ſhall be deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading.

A publick act.

CCLXXIX. *Stat.* 15 & 16 *Geo.* 3. *cap.* 36. *ſect.* 1. The act thirteenth George the ſecond, and all the authorities, powers, articles, rules, penalties, and clauſes therein, except what hereby varied or altered, ſhall be of full force and effect, and continue from the 1ſt of May 1776, during the further term of forty-one years, and from thence to the end of the then next ſeſſion, for the intents and purpoſes in ſaid act and hereafter mentioned, as if the ſame powers were repeated and re-enacted in this act; any thing in ſaid act to the contrary notwithſtanding.

13 G. 2. c. 14. continued 41 years.

CCLXXX. *ſect.* 2. The perſons herein named, and thoſe elected in their ſtead, according to the rules in ſaid former act, and none other, ſhall be the truſtees for putting the former and this act in execution, for the Leinſter and Munſter diviſion, and inveſted with all the powers in the former and this act given.

Truſtees named for the Leinſter and Munſter diviſions.

CCLXXXI. *ſect.* 3. That part of the road from Timoho, through Ballynakill and Durrow, to the bounds between the counties of Kilkenny and Tipperary, ſhall be diſtinguiſhed by the name of The Leinſter Diviſion; and that part from the bounds through Caſhell to Tipperary, The Munſter Diviſion.

Leinſter and Munſter diviſions.

CCLXXXII. *ſect.* 4. The tolls and duties by the former act ſhall be collected according to directions of ſaid act, until the 1ſt of November, 1776, and from 1ſt November, 1776, during the former and this act, the truſtees herein named, or any ſeven, or thoſe by them authorized, ſhall take the tolls and duties following, for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix or more, two ſhillings and ſix pence; drawn by leſs than ſix, and more than two, one ſhilling and ſix pence; drawn by two, thirteen pence; for every chair or chaiſe, drawn by one, ſix pence; every waggon, wain, cart, or carriage with four wheels, drawn by three or more, two ſhillings; and with two wheels, drawn by more than two, one ſhilling and ſix pence; every cart or other carriage with two wheels, and drawn by two, ſix pence; every car, or carriage by one horſe, two pence; (excepting cars with turf, and for each of them one penny) every horſe, mule, or aſs, laden or unladen, and not drawing, one penny halfpenny; every drove of oxen or neat cattle, one ſhilling and eight pence by the ſcore, and ſo in proportion; every drove of calves, hogs, ſheep, or lambs, ten pence by the ſcore, and ſo in proportion; every carriage whereon any millſtone, five ſhillings; which ſums ſhall be demanded and taken in name of toll, and the money raiſed

Former tolls paid till 1 Nov. 1776.

Tolls to be taken.

veſted in ſaid truſtees, ſubject to debts now due to creditors of ſaid road, which debts are made a charge upon ſaid tolls; the tolls ariſing on the Leinſter diviſion ſhall be diſpoſed of for keeping in repair that diviſion of ſaid road, and for payment of ſums heretofore and hereafter borrowed on credit of the tolls of that diviſion only, and the intereſt; and the tolls ariſing on the Munſter diviſion, ſhall be diſpoſed of for keeping in repair that diviſion of the ſaid road, and payment of ſums heretofore and hereafter borrowed, and the intereſt.

applied to each diviſion reſpectively.

Tolls but once a day on each diviſion.

CCLXXXIII. *ſect.* 5. No perſon obliged to pay any tolls more than once in the ſame day, within either of the diviſions, but every perſon, having paid at any one of the gates, between Timoho and the bounds between the counties of Kilkenny and Tipperary, on producing a note or ticket (which the receivers are required to give without fee or reward) ſhall be permitted to paſs free through all the gates on ſaid diviſion at any time during the day, in which he paid; and in like manner, having once paid at any one of the gates on the other diviſion, ſhall, on producing ſuch ticket or note, be admitted during ſaid day through the other gates of ſaid diviſion; but it is the true intention of this act, that every perſon ſhall pay twice on the ſame day, in caſe he ſhall travel over more of ſaid road, than is contained in one diviſion.

Exempt from toll.

CCLXXXIV. *ſect.* 6. No perſon ſhall be charged, who ſhall carry any materials for repairing ſaid roads, or any of the roads in the pariſhes in which the ſame lie, nor any cars, carts, or waggons, laden with corn in ſtraw only, nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing and repairing the ſame in the ſeveral pariſhes, in which the ſaid road does lie; nor for any horſe, or other cattle going to water, nor any poſt horſe carrying the mail or packet, nor for ſuch horſe as uſed only to ride on by the owner or driver of any waggon, cart, or carriage, provided ſuch horſe paſs through ſaid turnpike with ſuch waggon, cart, or carriage; nor any toll be taken for horſes of ſoldiers paſſing upon march, or for waggons, carts, cars, or other carriages attending them, or for the horſes, cars, or other carriages with vagrants ſent by paſſes, or priſoners tranſmitted.

Receiver's ſalary not under 10l. nor above 20l.

CCLXXXV. *ſect.* 7. The ſalary or wages of the clerk or receiver, appointed by ſaid truſtees of each diviſion for carrying the former and this act into execution, ſhall not be leſs than ten pounds, nor exceed twenty pounds yearly.

A publick act.

CCLXXXVI. *ſect.* 8. This act ſhall be deemed a publick act, and judicially taken notice of by all judges, juſtices, and other perſons, without ſpecially pleading.

3 G. 2. c. 19. & 7 G. 2. c. 22. continued 2 years, &c.

CCLXXXVII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 37. *ſect.* 1. Whereas by an act third George the ſecond, the tolls granted ſhould have continuance only from tenth of May, 1730, for twenty one years: and by another act ſeventh of George the ſecond, (except thereby altered) ſhould continue during the further term of twenty four years, and to the end of the then next ſeſſion; the ſaid laſt mentioned and former act, as thereby amended, altered, and confirmed, ſhall be of full force and effect, continue and be executed from the expiration of ſaid terms of twenty one and twenty four years, during the further term of two years, and from thence to the end of the then next ſeſſion, for the intents and purpoſes in ſaid act mentioned, as if the ſame powers and authorities granted by ſaid act were herein repealed and re-enacted; any thing in

in ſaid act of the ſeventh of George the ſecond to the contrary notwithſtanding.

CCLXXXVIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 10. *ſect.* 1. After paſſing this act, an act third of his preſent Majeſty, *for making more convenient the approaches to the city of Dublin*, and alſo another act fifteenth and ſixteenth of his preſent Majeſty, intituled, *an act to explain and amend*, and every clauſe in each of them (except ſuch as relate to purchaſing and making agreements for lands, tenements, houſes, and building-grounds, and to powers to enter into contracts and agreements with truſtees named, and to make ſales and conveyances as in ſaid acts ſet forth, and the powers to truſtees to iſſue precepts to ſheriffs to ſummon juries for purpoſes in ſaid acts, and every matter relative to confirming acts of ſuch juries, and powers given to ſaid truſtees to name and appoint treaſurers, ſuperintendants and collectors, and which relate to the power of ſuch treaſurers, ſuperintendants, and collectors, as in ſaid acts) ſhall be repealed and made null and void.

3 G. 3. c. 36 & 15 & 16 G. 3. c. 28. repealed, except as to purchaſing lands, &c. and power to contract with truſtees, and ſell and convey, and truſtees ſummoning juries, and appointment of and powers to officers.

CCLXXXIX. *ſect.* 2. After paſſing this act, the members of both houſes of parliament, lord mayor, recorder, and aldermen, the rectors and vicars of pariſhes in Dublin, the juſtices of the peace for the county of Dublin and city, having an eſtate of freehold in lands, tenements, or hereditaments of the clear yearly value of two hundred pounds at leaſt, within either of ſaid counties, all for the time being, and the truſtees named in ſaid act of third of his preſent Majeſty, or elected ſince ſhall be nominated, conſtituted and appointed, truſtees for making and keeping in repair ſaid roads and foot-paths; and alſo a road from ſaid circular road to the ſeſſion houſe of Kilmainham, ſixty feet wide at leaſt, and for putting in execution the ſeveral powers and authorities mentioned and contained in this act.

Truſtees appointed for a circular road round Dublin, and to Kilmainham ſeſſions houſe, 60 feet wide.

CCXC. *ſect.* 3. Said truſtees, and ſuch other perſons as hereafter appointed truſtees in purſuance of this act, or any ſeven or more, ſhall have full power and authority to make and keep in repair during the term hereafter mentioned a circular road round the city of Dublin, ſixty feet wide in the clear at leaſt, beginning at the river Anna Liffey, near the Marine Nurſery, and from thence to the New Bridge lately built on the ſouth of Kilmainham, and from thence acroſs ſaid river, at or near Iſland-bridge, and to be continued on the outſide of his Majeſty's park the Phœnix to the northward of Pruſſia-ſtreet and the fields of Henry Meredyth, eſquire, near the road from Dublin to Finglaſs, and from thence to the northward of Eccles-ſtreet, and to the river Anna Liffey eaſtward of the delft manufactory lately kept by Thomas Aſhburne, and alſo the ſaid road to the ſeſſions houſe of Kilmainham.

Said truſtees and ſuch as after appointed, or any 7, impowered to make and repair, the road delineated.

CCXCI. *ſect.* 4. Provided no part of the circular road already made purſuant to ſaid acts or either, and for which annual rents by way of compenſation have been already aſcertained or paid either by agreement of parties or by verdict of a jury purſuant to ſaid acts or either, ſhall be altered or changed, but ſhall remain and be part of ſaid road.

No part made, and for which a compenſation by agreement or verdict, altered.

CCXCII. *ſect.* 5. Said truſtees or any ſeven or more ſhall have full and ample power and authority to pull down and remove all houſes, walls, and other buildings, and to lay into the ſaid road ſuch parts of lands and grounds, through which ſaid roads or foot-paths ſhall paſs, as they or any ſeven or more think neceſſary, firſt making reaſonable ſatisfaction to every perſon, who ſhall

Power to remove buildings, and lay into the road grounds, on reaſonable ſatisfaction firſt made.

ſhall or may ſuſtain any damage thereby, in ſuch manner as hereafter mentioned.

To make diſtinct mortgages, works, and funds.

CCXCIII. *ſect.* 6. Provided it ſhall be lawful for ſaid truſtees to make diſtinct and ſeparate mortgages of the tolls of the ſouthern and northern line, and alſo to carry on the ſame as different works, and by and out of diſtinct and ſeparate funds, if they think proper.

7 truſtees may erect turnpikes and toll houſes, and take toll before permiſſion to paſs.

CCXCIV. *ſect.* 7. Said truſtees or any ſeven or more, or ſuch as they authorize and appoint, may erect one or more gates or turnpikes in, upon, or acroſs any parts of ſaid roads, and alſo toll-houſes, and there demand, receive, and take the tolls and duties following, for every coach, berlin, chariot, calaſh, chaiſe, or chair, by ſix horſes or beaſts of burthen or more, one ſhilling and ſix pence; by a leſs number than ſix, and more than two, one ſhilling; by two horſes, ſix pence; for every carriage, commonly called a chaiſe or chair, with one horſe, mare or gelding, three pence; every brewer's dray with wheels narrower than nine inches, five ſhillings and five pence; for every waggon, wain, cart or carriage with four wheels, the breadth not leſs than ſix inches at the ſole, and ſtreaks ſet on with flat or roſe-headed nails, and the fore axle-tree ſo much ſhorter than the hind, that ſuch carriage ſhall roll at leaſt ten inches of the road in breadth on each ſide, and the wheels at ſuch a diſtance from each other, that the ſpace between the middle of one track made by the wheels on the road, and middle of the other, ſhall be from four feet ten inches, to five feet, drawn by three or more horſes, five pence; with two wheels, the breadth not leſs than ſix inches at leaſt, and the ſtreaks ſet on with flat or roſe-headed nails, drawn by one or two horſes, three pence; with four wheels narrower than ſix inches, ten ſhillings; with two wheels narrower than ſix inches, having one or more horſes, five ſhillings; every car having but one horſe, mare, gelding, or mule, the breadth of wheels three inches at the ſole, and ſtreaks ſet on with flat or roſe-headed nails, two pence; the breadth of wheels being four inches at the ſole and the ſtreaks with flat or roſe-headed nails, one penny halfpenny; with wheels narrower than three inches, one ſhilling; for every horſe, mare, gelding, mule, or aſs, laden or unladen, not drawing, one penny; for every drove of oxen, or neat cattle, one ſhilling and eight pence by the ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep or lambs, ten pence by ſcore, and ſo in proportion; which reſpective ſums ſhall be demanded and taken in name of a toll or duty, and the money ſo raiſed ſhall be veſted in ſaid truſtees, and every part thereof ſhall be paid, applied, and diſpoſed of, and aſſigned to and for the ſeveral uſes, intents and purpoſes, in ſuch manner, as after mentioned and directed.

Tolls to be taken.

toll veſted in truſtees for uſes in the act.

On refuſal levied by diſtreſs and ſale in 5 days.

CCXCV. *ſect.* 8. Said truſtees impowered by themſelves, or any by them or ſeven or more under their hands and ſeals authoriſed, to levy the toll or duty upon any who after demand neglect or refuſe to pay by diſtreſs of any horſes, cattle or goods, upon which ſuch toll or duty impoſed, or upon any other goods or chattles of ſuch perſons who ought to pay, and may detain and keep until ſuch toll or duty, with reaſonable charges of diſtraining and keeping, ſhall be paid; and it ſhall be lawful for ſuch perſons ſo diſtraining after five days after diſtreſs to ſell the goods diſtrained by publick auction, returning overplus (if any be) upon demand to owner after ſuch toll, duty, and reaſonable charges deducted.

CCXCVI. *ſect.*

CCXCVI. *ſect.* 9. Provided no perſon ſhall be liable to pay toll more than once, who ſhall paſs, repaſs, or return through all or any of ſuch turnpikes the ſame day, computed from twelve at night to twelve in the ſucceeding night, with the ſame coach, or other carriage, horſe, or other cattle, and ſhall produce a ticket that the toll was paid at any of the ſaid turnpikes, which the receivers or collectors are required to give gratis upon receipt of toll; and if any perſon having paid toll, and having ſuch note or ticket, ſhall give, offer, or diſpoſe of the ſame to any other, or alter the ſame, to avoid payment of any of ſaid tolls, every ſuch perſon, and the perſons receiving and making uſe thereof, ſhall reſpectively forfeit and pay ten ſhillings.

Paid but once a day on producing ticket,

giving or altering a ticket to avoid, 10s. on each;

CCXCVII. *ſect.* 10. Out of the money ariſing from turnpikes, or borrowed on credit of this act, ſaid truſtees or any ſeven ſhall firſt pay and diſcharge the expence of procuring this act and making ſaid roads and foot-paths, and paying for purchaſe of grounds and houſes, and making compenſation for damages, as by this act directed, and of erecting ſuch turnpikes or toll houſes; and after ſuch charges and expences fully ſatisfied, the profits ariſing and tolls collected ſhall be applied for and towards the repair of ſaid roads and foot-paths, and to payment of intereſt of any money borrowed on credit of ſaid roads, and payment of officers ſalaries, and to the erecting any bridge or bridges, (except over the Anna Liffey, eaſtward of Eſſex-bridge) or other works neceſſary for convenience and ſupport of ſuch roads and foot-paths, and for paying rewards as hereafter mentioned for conviction of any guilty of robbing or maiming any perſon on ſaid roads or foot-paths, or in paying off any debt contracted by ſaid truſtees, or in eſtabliſhing a ferry-boat for carriages over the Anna Liffey, oppoſite or near to the Marine Nurſery, or for planting trees along ſaid roads, as ſaid truſtees or any ſeven think fit.

Truſtees firſt to pay charges for the act, and for purchaſe and compenſation, then to the roads and paths, intereſt of ſums borrowed, ſalaries, and bridges (except over Liffey eaſtward) and neceſſary works, rewards on convicting robbers, &c. debt; a ferry over Liffey, or planting.

CCXCVIII. *ſect.* 11. Whereas the right of eſtabliſhing of ferries over the Anna Liffey from the Old-bridge to Rings-end belongs to the lord mayor, ſheriffs and commons and citizens, and the ferries and right of eſtabliſhing ferries from Eſſex bridge to Rings-end is now granted and demiſed to John Jones of Dublin, eſquire, for a term of years, of which about twenty unexpired, and ſaid lord mayor, ſheriffs, commons, and citizens, and John Jones, have reſpectively conſented and agree to demiſe to ſaid truſtees a paſſage or right of ferriage, oppoſite or near to the Marine Nurſery for ſuch terms, and ſubject to ſuch rents, as after mentioned; ſaid John Jones, his executors, adminiſtrators and aſſigns, ſhall at requeſt in writing of ſaid truſtees, any ſeven or more, under their hands and ſeals, execute or grant a leaſe of a ferry and right of eſtabliſhing a ferry over ſaid river, oppoſite or near to ſaid Marine Nurſery for ſuch term of years as he or they ſhall then have in the ferries over the ſaid river.

Right to truſtees of ferriage over Liffey near Marine Nurſery,

on written requeſt of truſtees a leaſe executed by John Jones for his term.

CCXCIX. *ſect.* 12. The lord mayor, ſheriffs, commons and citizens of Dublin ſhall upon like requeſt in writing to be delivered to town-clerk ſeal a like leaſe or grant to ſaid truſtees for ſuch term as ſaid truſtees by ſuch writing ſhall require, not exceeding ſeventy years, and to commence from expiration of the leaſe of ferries now in being, and made to ſaid John Jones, upon each of which leaſes ſhall be reſpectively reſerved ſuch annual rents payable reſpectively to ſaid John Jones, his executors, adminiſtrators and aſſigns, and ſaid lord mayor, ſheriffs, commons and citizens during ſaid reſpective terms, as ſhall be adjudged and awarded by a jury, ſummoned, impannelled, and ſworn in ſame manner, and under like penalties, and with ſame right of challenging

And by lord mayor, &c. for further term not above 70 years, rents reſerved as by jury awarded, ſummoned, &c. as herein, and by 3 G. 3. c. 36.

challenging to parties, as is directed by this act, and ſaid act third of his preſent majeſty, reſpecting juries for valuing grounds through which ſaid road is to paſs.

Rents charged on ferriage,

CCC. *ſect.* 13. The rents ſo reſerved ſhall be charged upon and made payable out of the tolls of the ferry, to be eſtabliſhed at or near ſaid Marine Nurſery, and the firſt annual payment ſhall be made payable on the firſt of January next after ſaid ferry opened for paſſengers.

from 1ſt Jan. after opened.

Counterparts of leaſes by truſtees.

CCCI. *ſect.* 14. Said truſtees, any ſeven or more, ſhall ſeal and deliver counterparts of ſaid leaſes to ſaid John Jones, and lord mayor, ſheriffs, commons, and citizens of Dublin reſpectively.

On 2 months neglect, ſame right to eſtabliſh ferry as if leaſes executed.

CCCII. *ſect.* 15. If ſaid John Jones, or lord mayor, ſheriffs, commons, or citizens, neglect or decline to execute leaſes as aforeſaid for two months next after ſuch requeſt, from thenceforth ſaid truſtees ſhall have the ſame right to eſtabliſh a ferry, as if ſuch leaſes actually executed, paying ſuch rent out of the tolls of the ferry to ſaid John Jones, and lord mayor, ſheriffs, commons, and citizens, during ſuch time as ſaid ferry ſhall ſubſiſt, as awarded by a jury in manner aforeſaid.

15 truſtees after leaſes or requeſt, may eſtabliſh ferry.

CCCIII. *ſect.* 16. It ſhall be lawful for ſaid truſtees, any fifteen or more, after execution of ſuch leaſes, or in two months after ſuch requeſt, to eſtabliſh a ferry and ferry boats for carriages, horſes, mules, and other cattle, and paſſengers.

7 truſtees may contract for grounds, &c. for toll houſes, with yards not above 100 feet ſquare,

by purchaſe or rent, and compenſation as by 3 G. 3. c. 36

power given to convey as by ſaid act,

CCCIV. *ſect.* 17. Said truſtees, or any ſeven, impowered from time to time, to treat, contract, and agree with owners, proprietors, occupiers, and perſons intereſted in any lands, tenements, houſes, buildings, grounds, or hereditaments, through which any part of ſuch roads are hereafter to be made, or for any ground wanted for building toll-houſes, with ſufficient yards thereunto, not exceeding one hundred feet ſquare to each, for purchaſe thereof, or by way of annual rent for the ſame, or otherwiſe, as ſaid truſtees or any ſeven think fit, and to pay for the ſame, and for any loſs or damages, in ſuch manner as by ſaid act third of his preſent Majeſty particularly directed and appointed; and alſo it ſhall be lawful for all bodies politick, corporate, or collegiate, corporations aggregate or ſole, and all feoffees in truſt, executors, adminiſtrators, guardians, committees, and other truſtees whatſoever, for and on behalf of any infants, femes covert, lunaticks, idiots, *ceſtuique* truſts, and for all perſons whomſoever, ſeized or poſſeſſed of, or intereſted in, or in any wiſe intitled to, any ſuch lands, tenements, houſes, buildings, grounds, or hereditaments, to treat with ſaid truſtees, or any ſeven for the purchaſe, and to convey the ſame to ſuch truſtees, in ſuch manner and form as by ſaid act third of his preſent Majeſty directed and appointed; and ſuch truſtees, or any ſeven, in caſe of neglect or refuſal of ſuch owners, proprietors, occupiers, or perſons intereſted, to treat or agree for purchaſe, as in ſaid act third of his preſent Majeſty ſet forth, ſhall have full power and authority to ſummon and impannel juries, and examine upon oath, and impoſe ſuch fines on jurors for default, and to judge compenſation by verdict of ſuch jury, to ſuch owners, proprietors, occupiers, or perſons intereſted, by way of annual income, or otherwiſe, as ſaid truſtees direct, and to charge the ſame upon the tolls, and in ſuch manner, regulations, powers, and authorities, as by ſaid act third of his preſent Majeſty particularly ſet forth.

and to truſtees to impannel juries on refuſal to agree,

examine on oath, fine jurors, and judge compenſation, as by 3 G. 3. c. 36.

After compenſation aſſeſſed 7 truſtees may execute deed charging the rent on tolls, and

CCCV. *ſect.* 18. After ſuch annuity or annual rent aſſeſſed by ſuch jury by way of compenſation to ſuch owners, proprietors, occupiers, or perſons intitled to, or intereſted in ſuch grounds, houſes, buildings, lands, tenements, or hereditaments,

hereditaments, it ſhall be lawful for ſaid truſtees, or any ſeven, to ſign, ſeal, and execute to ſuch owner, proprietor, occupier, or perſon intitled by ſuch verdict to ſuch compenſation, a deed or writing under hands and ſeals, charging ſaid tolls of ſaid road with ſuch annuity or annual rent, and ſhall cauſe the ſame to be delivered or tendered to ſuch owner, proprietor, occupier, or perſon intereſted, or to his or their own agent or agents, or to be left at his or their known uſual place of abode, dwelling, or reſidence.

Tender to party or agent or at uſual abode.

CCCVI. *ſect.* 19. After tender or delivery of ſuch deed all ſuch houſes, buildings, and tenements, lands, hereditaments, and premiſſes ſpecified in ſaid verdict, ſhall be the ſole and abſolute property of ſaid truſtees, and it ſhall be lawful for ſaid truſtees, any ſeven or more, by themſelves, workmen, or agents, to pull down all ſuch houſes, buildings, and tenements, and to lay the ground whereon erected, and alſo ſuch other grounds, lands, or hereditaments as aforeſaid, or ſuch part thereof, as they think fit, into ſaid road; and to do every ſuch act, matter, and thing, with relation to ſuch lands, tenements, houſes, building-grounds, or hereditaments, and to wall in, ditch, drain, and fence out the ſame, in ſuch manner as ſaid truſtees, or any ſeven think fit for carrying this act into execution; and ſaid ground ſo ſecured and incloſed, ſhall thenceforth become and be a common highway to all intents whatſoever, and be repaired and kept in repair in ſuch manner, as herein before and after authoriſed and directed.

And premiſſes in verdict the ſole property of truſtees,

to pull down, and lay into the road,

ſecure and incloſe,

the ground a common highway.

CCCVII. *ſect.* 20. Said annuities or annual rent, ſo agreed for or aſſeſſed, ſhall be paid from time to time, as become due, by half yearly payments, by treaſurers of ſaid road, the firſt payment to begin within ſix calendar months next after ſuch ground taken by ſaid truſtees; and ſuch perſons ſhall during this act have ſame eſtate and intereſt in ſuch annual rents, as they would have had in ſaid ground, in caſe this act never made; and in default of payment thereof within thirty days after become due (being demanded of treaſurers for time being) it ſhall be lawful for the perſons intitled to ſaid annual rents, or any of them, to commence or proſecute one or more actions at law on the caſe, or in debt, againſt the treaſurer or treaſurers on account of ſaid annuity or annual rent, and ſhall upon ſuch actions recover the money then due, together with full coſts of ſuit, and have ſuch remedy for the ſame, as allowed by law in other caſes; which money and coſts when paid ſhall be allowed to ſuch treaſurer in his account with ſaid truſtees.

Rents paid half yearly by treaſurers,

ſame intereſt in rents as in ground,

on non-payment 30 days being demanded, recovered with full coſts againſt treaſurer, in caſe or debt.

CCCVIII. *ſect.* 21. If any perſons whatſoever, owning, renting, or occupying any land near unto any turnpike in purſuance of this or ſaid former acts, ſhall for gain, reward, or otherwiſe, wittingly or willingly permit any perſon whatſoever to paſs through any gate, paſſage, or way with any coach, berlin, calaſh, chaiſe, or chair, waggon, wain, cart, car, or carriage, or riding, or driving any horſe, mare, gelding, mule, or aſs, or any ſort of cattle, and be thereof convicted upon oath before ſaid truſtees, any ſeven or more, or any one juſtice for county or county of city of Dublin, ſhall forfeit and pay to truſtees authorized to put this act into execution ten ſhillings, to levy by diſtreſs and ſale of offender's goods, by warrant under hand and ſeal of ſuch juſtice, or of ſaid truſtees, or any five or more, rendering overplus to owners, if any, the charges of taking and diſpoſing being firſt deducted.

Convicted of permitting paſſage near turnpikes on oath before 7 truſtees or 1 juſtice,

penalty 10s.

CCCIX. *ſect.* 22. It ſhall be lawful for ſaid truſtees, or any ſeven, to erect one or more gates, or turnpikes, and toll houſes on the ſide of ſaid roads, or acroſs any way or lane leading out, and there to receive and take

Side gates erected,

not extended to the great roads in Dublin, nor a double charge.

such toll, ſo as the ſame do not extend to any of the great roads now leading into the city of Dublin, nor to create a double charge, in caſe of paſſing through any other of the turnpikes erected by this act between the city of Dublin and any of the adjacent counties.

Collectors to account monthly on oath by treaſurer,

CCCX. *ſect.* 23. Every collector of tolls ſhall on firſt Tueſday of every month, or oftner, if required, give in a true and perfect account in writing upon reſpective oaths, of all money received by them, for or on account of the tolls, which oath treaſurers of ſaid roads are impowered to adminiſter;

puniſhed for perjury.

and if any ſwear falſely in making ſuch affidavit, they ſhall upon conviction ſuffer all pains and penalties of a perſon convicted of committing wilful and corrupt perjury.

Salaries allowed at general board,

CCCXI. *ſect.* 24. Said truſtees, or any ſeven, at any general board in purſuance of this act, ſhall order and allow to treaſurer, collectors, receivers, or to any overſeer of ſaid roads or foot paths any compenſation, by way of annual ſalary, or otherwiſe, that they or any ſeven in diſcretion, think fit, not exceeding forty pounds ſterling to ſuch treaſurer by the year; twenty pounds by year for each collector or receiver; and eighteen pence in the pound for every ſum expended by any overſeer in making or repairing ſuch roads and foot paths.

treaſurer not above 40l. yearly, collectors 20l. each, overſeers 18d. per £.

Payments (not above 50l. one time) ordered for conviction of robbing or maiming.

CCCXII. *ſect.* 25. Said truſtees, or any ſeven, ſhall have power from time to time to order any ſums, not exceeding at any one time fifty pounds ſterling, for apprehending and proſecuting to conviction any perſon or perſons guilty of robbing or maiming any on ſaid roads, and ſhall order ſuch ſums to be paid by treaſurer out of tolls.

No grant for making or repairing unleſs affidavit by 2 literate before a juſtice, or on board, of the neceſſity,

CCCXIII. *ſect.* 26. No money granted at any board for making or repairing, unleſs it appear by affidavit of two credible perſons, who can read and write, before ſome juſtice for the county, or county of city of Dublin, or before ſaid truſtees at ſaid board, (which oath ſaid juſtices and truſtees are impowered to adminiſter) that ſuch a ſum is neceſſary to make or repair ſo many perches of ſaid roads or foot paths at ſo much by the perch, and that a ſmaller ſum will not be ſufficient to repair or make the ſame; and no money ſhall be paid by treaſurer to any overſeer,

no payment to overſeer without affidavit before a board, and exact account on oath.

unleſs ſuch overſeer deliver to ſuch treaſurer an affidavit, ſworn before a board, (which oath ſuch truſtees are impowered to adminiſter) that ſaid ſum hath been faithfully and honeſtly expended in making or repairing ſo many perches of ſaid roads or foot paths, and for his wages, at not more than eighteen pence for each pound ſo expended in making or repairing ſaid roads or foot paths, and that he did attend ſaid work diligently and carefully, and ſhall alſo produce an exact account of men, horſes, and carts or cars employed each day at ſaid work, and ſhall ſwear to truth of ſaid account.

Seven truſtees to meet and adjourn;

CCCXIV. *ſect.* 27. Said truſtees, or any ſeven, ſhall meet at ſuch days and places within the city or county of city, or any other place convenient to ſaid road, as by them, or any ſeven, from time to time appointed, and adjourn their meetings to ſuch times and places as aforeſaid, as they or any ſeven think proper;

if not a number, treaſurer to advertiſe, 20 days at leaſt;

and if there ſhall not appear at any meeting a ſufficient number, to act and to adjourn, the treaſurer by notice in Gazette, or other publick newſpaper, at leaſt twenty days before next meeting, ſhall appoint ſaid truſtees to meet where the meeting was laſt appointed, or at ſome other convenient place near ſaid roads;

bear their own expences.

and ſaid truſtees at every meeting ſhall defray their own expences.

CCCXV. *ſect.*

CCCXV. *ſect.* 28. Upon death of any of ſaid truſtees, or reſigning or refuſing to act, it ſhall be lawful for ſaid truſtees or any ſeven at general board to elect another in room, which perſon ſhall be to all intents veſted with all powers and authorities for carrying this act into execution. Vacancy ſupplied at board.

CCCXVI. *ſect.* 29. It ſhall be lawful for ſaid truſtees, or any ſeven, or overſeer, or other perſon by them, or any ſeven appointed at any general board, and for all perſons employed by ſuch overſeer to dig for, raiſe, gather, take, and carry away any gravel, ſand, ſtones, or other materials wanted for making, repairing, or preſerving ſaid roads and foot paths, out of any grounds of any perſons not a garden, orchard, yard, planted walk or walks, or avenue to a houſe, where ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much as neceſſary for making or repairing ſuch roads and foot paths, or any other works carried on by ſaid truſtees, or any ſeven, paying nevertheleſs ſuch damages to owner or occupier of ſuch ground as ſhall be reaſonable; and in caſe ſaid truſtees, or the perſons appointed by them to raiſe ſuch materials, diſagree about the quantum of ſuch compoſition, ſuch damages ſhall be aſcertained by three ſubſtantial houſholders of the neighbourhood adjoining to the place where ſuch materials are to be raiſed, one named by each of the parties, and the third by the next or any neighbouring juſtice, who ſhall be ſworn by ſuch juſtice to be appraiſers of ſuch damages to the beſt of their ſkill; which damages ſo aſcertained ſhall be paid by treaſurer immediately upon producing a writing, ſigned by ſaid appraiſers, aſcertaining ſuch damages; and if any perſon obſtruct or prevent ſaid truſtees, overſeers, or perſons appointed in digging for, raiſing, or carrying away ſuch materials, ſuch perſon ſhall upon conviction by oath of one credible witneſs, before any one juſtice for county, or county of city of Dublin, forfeit for every ſuch offence a ſum not exceeding five pounds, levied, with the charges attending, by diſtreſs and ſale of goods of offender by warrant of any one juſtice of county, or county of city. Overſeers may dig and take materials in any grounds, not gardens, &c. paying damage; aſcertained by 3 neighbours, one choſen by each party, the third by a juſtice, ſworn to appraiſe; payment thereon; obſtructing, penalty not above 5l.

CCCXVII. *ſect.* 30. Every perſon who ſhall lay any dirt, dung, ſtraw, rubbiſh, aſhes, or ſcowering of any ditches or drains, or other filth, or any ſtones or timber within forty feet of centre of ſaid roads, or burn any bricks or weeds, or build any lime kiln or ſmith's forge within two hundred yards of ſaid roads, or pull down or injure any part of any bridge, toll houſe, foot path, gate, turnpike poſt, mile-ſtone, finger-poſt, or any other thing belonging to ſaid roads or foot paths, or put up any ſign poſt or May buſh, dig any ditch, pit, hole, or drain, build any wall, or leave any car or cart in the night from ſun-ſet to ſun-riſe within thirty feet of centre of ſaid roads, or the carcaſe of any horſe, mule, aſs, or beaſt, or ſkin any dead beaſt within one hundred yards of the centre; or ſhall lead or drive any car or cart with timber, boards, or iron laſhed croſs ways, or ſcrape the gravel off any part of ſaid road or foot paths, ſhall upon conviction by oath of one credible witneſs before any one juſtice of county, or county of city of Dublin, or upon view of every ſuch juſtice, for every ſuch offence forfeit a ſum not exceeding twenty ſhillings, to be levied by diſtreſs and ſale of goods, by warrant of any one juſtice of ſaid county, or county of city, and alſo ſuch timber, boards, or iron to the perſon who ſhall ſeize the ſame; and ſaid truſtees, or any ſeven may order any houſe, or part of a houſe, lime kiln, ſmiths forge, wall, or ditch, hereafter built or made contrary to intent of this act, to be pulled down; and any perſon may take and carry away all ſuch dung, dirt, ſtraw, aſhes, rubbiſh, Nuiſance, penalty not above 20s. abated timber, &c. and rubbiſh taken.

biſh, and ſcowering of ditches or drains, or other filth, ſtones or timber ſo laid, and apply the ſame to his own uſe, without being ſued or proſecuted.

No buildings on the roads, ſave toll-houſes, nor within 25 feet;

CCCXVIII. *ſect.* 31. No part of land purchaſed by this act for any part of ſaid roads, or any part of the lands through which ſaid roads ſhall paſs, ſhall be made uſe of for erecting any building whatſoever, other than ſuch toll houſes as are or may be erected by order of ſaid truſtees; and no building whatſoever, except ſuch toll houſe, ſhall be erected within twenty-five feet of ſaid road on either ſide, and no building whatſoever, except houſes whoſe walls ſhall be ſeventeen feet high at leaſt, and built with ſtones or bricks and lime, mortar, and well ſaſhed and ſlated, ſhall be erected within eighty feet of ſaid road on either ſide; and no part of ſaid road ſhall be paved without a licence firſt obtained under hands and ſeals of ſaid truſtees, or any ſeven; and if any ſuch buildings, hereafter erected contrary to true intent and meaning of this act, it ſhall be lawful for ſaid truſtees, or any ſeven, to order to be pulled down; and no perſon keeping an inn, ale houſe, or houſe of publick entertainment, or who ſhall ſell ale, wine, brandy, or other ſpirituous liquors, ſhall be capable of taking, holding, or enjoying any place of truſt or profit under this act.

nor within 80 feet, unleſs 17 feet walls, of ſtone, &c. ſaſhed and ſlated;
not paved without licence;
buildings abated;
no publican to hold place.

Riding or driving on foot path, penalty not above 20s. by diſtreſs and ſale of the horſe, &c.
all penalties to proſecutor and houſe of induſtry.

CCCXIX. *ſect.* 32. If any perſon ride or drive any horſe, beaſt or cattle, on the foot path, ſuch perſon upon conviction by oath of any one credible witneſs before any one juſtice of county, or county of city, or upon the view of ſuch juſtice, for every ſuch offence forfeit a ſum not exceeding twenty ſhillings, levied by diſtreſs and ſale of the horſe, beaſt, or cattle ſo ridden or driven on ſuch foot path; and one moiety of all forfeitures and pecuniary penalties inflicted by this act, ſhall go to proſecutor, with full coſts, the other to governors of the houſe of induſtry for county of Dublin.

Juſtices for the county and city impowered; offender unable to pay penalty ſent to hard labour not above 3 months.

CCCXX. *ſect.* 33. Juſtices of peace for county and county of city of Dublin, impowered to put this act into execution, ſo far as relates to them, and to adminiſter the ſeveral oaths before directed within their juriſdictions; and if any perſon, convicted of any offence by this act, not able to pay penalty, it ſhall be lawful for the juſtice and juſtices, before whom convicted, to ſend ſuch perſon to the work-houſe, houſe of induſtry, or of correction of the county or county of city, to remain at hard labour for ſuch time as ſaid juſtices think proper, not exceeding three months.

Perjury, forging names, puniſhed.

CCCXXI. *ſect.* 34. Every perſon guilty of wilful and corrupt perjury, falſe affirming, or forging or counterfeiting the name of any juſtice or truſtee, treaſurer, collector, or overſeer of ſaid roads, and thereof convicted by due courſe of law, ſhall incur the pains and penalties by law enacted againſt wilful and corrupt perjury.

No turnpike on lord Fitzwilliams' road without conſent.

CCCXXII. *ſect.* 35. No gate, turnpike, or toll houſe, ſhall be erected, or tolls paid, upon any part of the road made by late lord Fitzwilliam, between King's-end bridge, and the road from Dublin to Donybrooke, without conſent of the preſent lord Fitzwilliam.

15 truſtees may eſtabliſh ferry boats, with defences by conſent of pilot, committee, and take toll;

CCCXXIII. *ſect.* 36. It ſhall be lawful for ſaid truſtees, or any fifteen, to eſtabliſh a ferry boat or ferry boats for carriages over the Anna Liffey, oppoſite to or near the Marine Nurſery, and to make ſuch convenient ways and paſſages, and defences to ſuch boats, as ſaid truſtees or any fifteen think neceſſary; (provided no ſuch works or defences ſhall be carried within the preſent walls of ſaid river without conſent of the pilot committee of city of Dublin, or majority of them) and to impower any perſon or perſons to demand, receive, and take the following tolls and duties, before permitted to paſs

over

over ſaid ferry; for every horſe, mare, gelding, or other cattle, two pence; every coach, berlin, chariot, calaſh, or chaiſe, one ſhilling; every two wheel chaiſe or chair, ſix pence halfpenny; every ſedan chair, three pence; every four wheeled cart with ſix inch wheels, four pence; every two wheeled cart with ſix inch wheels, two pence; every car, two pence; and for every perſon, one penny; which ſums ſhall be raiſed by and veſted in ſaid truſtees, and paid, applied, diſpoſed of, and aſſigned to and for the eſtabliſhing ſuch ferry-boats, and for making ſuch convenient ways, paſſages and defences, for the purpoſes and under regulations before mentioned.

ferriage; veſted in truſtees, and applied.

CCCXXIV. *ſect.* 37. Said truſtees, or any ſeven, may borrow money on credit of the tolls, and apply the ſame in defraying the expences of this act, and carrying the ſame into full execution, and aſſign over ſaid tolls, or any part, by writing under hands and ſeals, for any time or term during this act, as a ſecurity for any money advanced or lent to them on credit thereof, payable to ſuch perſons who ſhall ſo lend, with ſuch rate of intereſt, not exceeding the legal intereſt, by the hundred, as ſaid truſtees, or any ſeven, by writing under hands and ſeals, promiſe or agree to pay; which intereſt ſhall be paid half yearly by treaſurer of ſaid road, according to agreement of ſaid truſtees, or any ſeven.

7 truſtees may borrow on tolls and aſſign as ſecurity, with intereſt.

CCCXXV. *ſect.* 39. The ſeveral tolls and duties hereby granted ſhall take place and have continuance from 1ſt of May 1778, for and during the term of forty-one years.

Tolls continued 41 years from 1ſt May 1778.

CCCXXVI. *ſect.* 39. Provided no truſtees for putting this act into execution ſhall have or accept of any place or profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place or profit of acting as a truſtee.

No place or profit to truſtees.

CCCXXVII. *ſect.* 40. If any ſuit commenced for any thing done in purſuance of this act, the action ſhall be commenced within ſix calendar months next after fact committed, and not afterwards, and ſhall be laid in county of city of Dublin, and not elſewhere, and defendants may plead general iſſue, and give this act and ſpecial matter in evidence on any trial thereupon, and that the ſame was done in purſuance of this act; and if it appear to have been done, or that ſuch action or ſuit brought after time ſo limited, or in any other county or place than in county of city of Dublin, the jury ſhall find for defendants; and upon ſuch verdict, or if the plaintiff nonſuited, or diſcontinue after defendants have appeared, or if on demurrer judgment againſt plaintiff, defendants may recover treble coſts, and have like remedy, as any defendants have in any other caſes by law.

Suits for acting in 6 months; laid in Dublin, general iſſue, &c. treble coſts to defendants.

CCCXXVIII. *ſect.* 41. This act deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading.

A publick act.

CCCXXIX. *Stat.* 17 & 18 *Geo.* 3. *cap.* 22. *ſect.* 1. After 1ſt June 1778, it ſhall be lawful for grand juries of counties, and counties of cities and towns, by preſentment to grant ſuch ſums as they think neceſſary for repairing any bridge in ſuch counties, although no plan of the work to be done be annexed to the affidavit, upon which ſuch preſentment grounded; and alſo to grant ſuch ſums as they think neceſſary, for making or repairing any road in ſuch counties, on any barony or half-barony in which ſuch

Recital 13 & 14 G. 3. c. 32, and doubts thereon, preſentment to repair bridges tho' no plan annexed to affidavit, and for roads, tho' for leſs perches or ſum than ſworn to in affidavit.

ſuch roads ſituated, although the preſentment be for a ſmaller number of perches or a ſmaller ſum than is ſworn to in the affidavit, upon which ſuch preſentment is grounded; and for the judge of aſſize to confirm ſuch preſentment.

Sale of carcaſe or hide in principal ſtreets, from Dublin to Belfaſt forfeited, and 40s. on warrant of juſtice.

CCCXXX. *ſect.* 2. Every perſon, who ſhall expoſe to ſale after firſt September 1778, the carcaſe or hide of any beaſt or any part in the principal ſtreets of any town, through which travellers uſually paſs from Dublin to Belfaſt, ſhall upon conviction by oath of one credible witneſs before any one juſtice of the county where ſuch offence committed, or upon view of any ſuch juſtice, for every ſuch offence forfeit not exceeding forty ſhillings, levied by diſtreſs and ſale of goods by warrant of ſuch juſtice, and alſo ſuch carcaſe or hide, or part of a carcaſe.

Preſentment for drains thro' bogs, not above 1s. per perch, and 1s. per pound overſeers.

CCCXXXI. *ſect.* 3. It ſhall be lawful for grand jury of any county by preſentment to raiſe ſuch ſums as they think neceſſary, upon any barony or half barony for making, widening, and deepening drains on each ſide of any publick road in ſuch barony or half barony, which has been or ſhall be made through a bog, and for carrying off the water that may injure ſuch road; provided ſuch ſum ſhall not exceed twelve pence for each perch of ſuch drain, and for wages to overſeer appointed for ſuch work, not exceeding one ſhilling for each pound expended.

Affidavit by two literate perſons before 2 juſtices of being reaſonable & neceſſary,

CCCXXXII. *ſect.* 4. Provided no ſum ſhall be ſo preſented, unleſs it appear by affidavit by two credible perſons, who can read and write, before any two juſtices for ſuch county, that the ſum required is a reaſonable charge, and the work neceſſary, and cannot be effectually executed for a ſmaller to the beſt of their judgment; and no ſum of money ſhall be paid by treaſurer of any county on account of any ſuch preſentment, until it appear to grand jury and judge of aſſize by affidavit of one of the overſeers, who can read and write, ſworn before one of the judges of aſſize, that the ſum ſo accounted for hath been faithfully and honeſtly expended in execution of the work, for which granted by ſuch preſentment, to beſt of his ſkill and judgment.

and by one overſeer before a judge that faithfully expended.

Overſeers to add to affidavits that the ditches are effectually ſcoured and free paſſage for water.

CCCXXXIII. *ſect.* 5. Whereas the publick roads receive great damage by overſeers neglecting to oblige landholders to keep ditches on each ſide ſcoured, the words following, viz. (and that the ditches which are on each ſide of the ſaid road are effectually ſcoured, and a free paſſage made for the water) ſhall be added to the affidavit which ſuch overſeer is obliged by law to make, before he receives the money preſented for repair of ſuch road.

Recital 33 G. 2. c. 8. ſ. 14.

CCCXXXIV. *ſect.* 6. Whereas by an act thirty-third George the ſecond, chapter eight; if it appear to any judge by two witneſſes upon oath, within one year after any query or a preſentment for highway or bridge diſcharged, that ſaid court was deceived or impoſed upon by any affidavit for diſcharging ſuch query, and the road or bridge not made or built purſuant to the preſentment, the judge may notwithſtanding ſuch query diſcharged, iſſue proceſs againſt overſeers, as if ſaid query never anſwered; and whereas the time allowed for iſſuing ſuch proceſs is not found ſufficient, the time allowed for iſſuing proceſs upon ſuch query may be enlarged or extended to two years inſtead of one year.

time for proceſs on diſcharged query enlarged to 2 years.

CCCXXXV. *ſect.* 7. Any juſtice, who ſhall have a freehold eſtate of one hundred pounds per annum in any barony or baronies in county of Down,

ſhall

ſhall be impowered on view to abate all nuiſance, to remove all encroachments, on any of the roads in ſuch barony or baronies in ſaid counties, wherein he ſhall have ſuch freehold, and have the ſame power and authority to proceed to abatement of ſuch nuiſances or encroachments, as the laws now give to any juſtice on complaint to him of any nuiſance; and the ſeveral church-wardens of every pariſh in county of Down ſhall be overſeers of the roads to prevent encroachments and nuiſances on the ſame, and have ſame powers and authorities within their pariſhes, that the overſeers or ſub-conſtables appointed by grand jury of any other county have by the act aforeſaid; and no money ſhall be preſented or raiſed off any barony or pariſh in ſaid county for payment of any ſuch overſeer for trouble in executing ſuch office.

Juſtice of 100l. a year freehold in Down, may on view remove nuiſances;

church-wardens in Down overſeers to prevent nuiſances.

no preſentment for ſuch trouble.

CCCXXXVI. *ſect.* 8. Juries of Antrim, Donegall, Down, Kerry, Kildare, King's-county, Limerick, Wicklow, and city and county of Londonderry, at each aſſizes ſhall have full power and authority to enter into any contract or agreement by the year with any perſons for keeping any part or proportion of the publick roads of ſaid county, heretofore made or repaired by preſentments, in ſufficient order and repair for any time not exceeding four years; which ſhall be ſigned by parties, with whom the grand juries make the ſame, and ſhall be delivered over to the clerk of the crown, to be kept with records of ſaid counties; and grand juries of ſaid counties ſhall have full power and authority to preſent any ſum to be levied and raiſed off the inhabitants of the reſpective baronies or half-baronies to be paid to the perſons, with whom they make ſuch contract or agreement, provided the ſame ſhall not exceed two-pence half-penny by the perch of road ſo to be kept in repair, and ſo for a greater or leſſer proportion of road.

Grand juries of certain counties may at aſſizes contract by the year for keeping roads in repair not above 4 years, ſigned by parties, delivered to crown clerk, kept with records, barony preſentment not above 2d. h per perch for contractors.

CCCXXXVII. *ſect.* 9. Provided no part of the money ſo preſented ſhall be paid by treaſurer of ſaid county, until ſuch contractors make affidavit before the judge of aſſize, that ſuch proportion of road is at that time in ſufficient order and repair, and until ſuch affidavit allowed and paſſed by the then grand jury and judge of aſſize.

Not paid till contractor's affidavit before the judge of being in ſufficient order, and allowed by g. jury and judge.

CCCXXXVIII. *ſect.* 10. Whereas grand juries are allowed to preſent not exceeding in the whole one hundred pounds for an accurate ſurvey and map of their county, and ſaid ſum is not proportioned to the various ſizes of counties: it ſhall be lawful for grand jury of each county at any aſſizes to preſent on county at large any ſums not exceeding in the whole one hundred pounds for each one hundred thouſand acres in ſuch county, according to county books, or the uſual computation thereof, and ſo in proportion for any leſs quantity, for obtaining an accurate ſurvey and map thereof; ſuch map when finiſhed to be depoſited and kept by treaſurer of ſuch county among the records; and ſaid preſentment may be made without any affidavit or eſtimate of the probable expence thereof being previouſly laid before them.

Preſentment not above 100l. for each 100,000 acres in the county for a map, kept by treaſurer among records;

made without affidavit or eſtimate.

CCCXXXIX. *ſect.* 11. Provided no money ſhall be paid on account of any ſuch preſentment, until ſaid ſurvey finiſhed, and map delivered to the treaſurer, and approved of by the grand jury, unleſs ſufficient ſecurity given to the treaſurer, and approved of by the grand jury, by the ſurveyors for compleating ſaid ſurvey, and delivering ſaid map on the terms and within the time ſpecified in ſuch ſecurity; in which caſe it ſhall be lawful for the grand

On ſecurity approved by g. jury, by ſurveyor to compleat and deliver map in time ſpecified, treaſurer to pay not above 2-3ds before ſurvey finiſhed.

grand jury from time to time to direct treaſurer to pay any ſum not exceeding two-third parts of the money preſented to ſuch ſurveyors to enable them to proceed in making ſuch ſurvey, before ſuch ſurvey actually finiſhed.

No reward demanded or taken for ſwearing any affidavit, penalty 5l. by civil bill.

CCCXL. *ſect.* 12. If any juſtice of peace or other perſon demand or take any money or reward for ſwearing any affidavit directed to be made by the act for amending the publick roads, or by this act; every ſuch juſtice or perſon offending ſhall forfeit five pounds to proſecutor or informer, to be recovered by any perſon who ſhall ſue by civil bill.

County and city of Dublin excepted, ſave as to preſentment for maps.

CCCXLI. *ſect.* 13. Provided nothing herein ſhall extend to the county or county of city of Dublin, except ſo far as relates to impower grand juries to grant preſentments for making maps or ſurveys of counties.

13 & 14 G. 3. c. 26, not extended to the turnpike roads recited or to the truſtees appointed, their proceedings, &c.

CCCXLII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 23. *ſect.* 1. Whereas the ſeveral regulations by ſeveral laws for repairing the turnpike-roads, from Dublin to Dunleer, from Dunleer to Dundalk, from Dundalk to Newry and Banbridge, and from Dublin to Kinnegad and Mullingar, are fully ſufficient to enforce a due execution of the ſaid laws reſpectively; and the ſeveral regulations in ſaid recited act are unneceſſary to be extended to ſaid roads, or the truſtees of the ſame, and would, if extended, be attended with great inconvenience, not being conformable in many inſtances to the regulations by ſaid ſeveral laws; nothing in ſaid recited act contained ſhall extend to ſaid recited roads, or any of them, or the truſtees appointed for the ſame or to their proceedings, treaſurers, clerks, overſeers, or ſervants, or any of them, nor to any treaſurer of a county, or clerk of the peace, for or in reſpect of the ſame.

3 G. 2. c. 19, and 7 G. 2. c. 22. and 15 & 16 G. 3, c. 37, continued 1 year, &c. as to roads from Navan to Nobber and Kells.

CCCXLIII. *Stat.* 17 & 18 *Geo.* 3. *cap.* 37. *ſect.* 1. The ſeveral acts and every authority, power, penalty and clauſe contained, ſhall be of full force and effect, and executed from the end or this ſeſſion, for and during the further term of one year, and until the end of the next enſuing ſeſſion, excepting ſuch parts of ſaid acts which relate to the roads leading from Navan to Nobber, and from Navan to Kells, in county of Meath.

Tolls applied only to repairs of the roads and uſual expences till truſtees certify compleated,

then to purpoſes provided.

CCCXLIV. *ſect.* 2. The tolls and duties granted by ſaid acts, or any of them ſhall be applied to repairs of ſaid roads (except as before excepted) and the uſual expences of collecting ſaid tolls, and to no other uſe or purpoſe, until the truſtees therein named ſhall certify under their hands, that ſaid roads ſhall have been compleatly and ſufficiently repaired; and thenceforth, and not ſooner, the ſaid tolls and duties ſhall be applied to all the uſes and purpoſes provided for, and intended by, the ſaid ſeveral acts or any of them.

Recital 13 G. 2. c. 16.

Truſtees;

CCCXLV. *Stat.* 17 & 18 *Geo.* 3. *cap.* 39. *ſect.* 1. Whereas an act paſſed thirteenth of George the ſecond, *for repairing the road from the town of Nenagh:* for better ſurveying, ordering, amending, and keeping in repair the ſaid road, the honourable Robert Rochfort, ſir William Parſons, John Lloyd, Peter Holmes, Thomas Coghlan, reverend Thomas Dawſon, Henry Prittie, John Bayley, Daniel Toler, Francis Sadler, William Vaughan, John Greene, Wentworth Parſons, John Head, Daniel Rogers, George Pepper, Samuel Judge, Charles Minchin, Samuel Abbot, James Otway, reverend archdeacon Synge, Richard Gaſon, Theobald Pepper, captain John Robinſon,

ſon, Charles Atkinſon, major George Clarges, William Newſtead, Andrew Armſtrong of Callen, Lawrence Parſons, —— Mullock, eſquire, counſellor at law, Guſtavus Handcock, reverend Anthony Malone, Edmond Malone of Ballynahown, George Clibborn, James Clibborn, John Loftus Cuppaidge, Richard Pennefather, Thomas Woods, Benjamin Woods, reverend Abraham Downes, reverend Abraham Downes, junior, Jeremiah Hanks, John Wilkinſon, Robert Jackſon, major Upton, Thomas Bernard, junior, Anderſon Saunders, Richard Faulkner, Michael Menitt, George Stoney, William Smith, William Woodward, William Woodward, junior, John Toler, Thomas Otway, Cooke Otway, John Bayley, junior, George Harden, Henry Duggan, Denis Kelly, John Kelly, reverend Thomas Falkiner, Robert Dillon, John Green, major Edmond Malone, John Head, Morgan O'Mara, Henry O'Brien, George Heny, Jonathan Willington, Thomas Stoney, George Synge, Cæſar Otway, Stafford O'Brien, Thomas Pepper, William Pennefather, Simon Pepper, Richard Beggs, Thomas Falkiner of Liſbrien, Edward Ledger, Joſeph Rogers, Paul Minnitt, Joſiah Minnitt, John Willington, George Jackſon, Manſell Andrews, Henry Palmer, Ralph Smyth, reverend John Smyth, and the ſurvivors and ſurvivor of them, nominated and appointed truſtees of ſaid road; and they or any five or more, or ſuch perſons as they appoint, may erect gates, turnpikes, upon any part of ſaid highway, and alſo toll-houſes, and there take the tolls and duties following; for every coach, berlin, chariot, chaiſe, or chair drawn by ſix horſes, geld- the toll.
ings, mares, or mules, two ſhillings and three pence; drawn by any leſſer number and more than two, one ſhilling and ſix pence; drawn by two, nine pence; for every waggon, wain, cart, or other carriage with four wheels drawing beams or groſs timber, fifteen ſhillings; and for every waggon, wain, cart, or other carriage, drawing beams or other groſs timber, one ſhilling and ſix pence; for every wain, cart, or other carriage with two wheels, drawn by two or more horſes, mares, geldings, mules, or oxen, ſeven ſhillings and ſix pence; for every cart or other carriage drawn with two horſes, geldings, mares, or mules, ſix pence; for every carriage commonly called a chair or chaiſe, or capriole, with one horſe, mare, mule, or gelding, ſix pence; for every car or other carriage drawn but by one horſe, mare, mule, or gelding, three half-pence, except cars laden with turf, and for each of them three farthings; and for any horſe or other cattle laden with turf not drawing three farthings; for every horſe, mare, or gelding, mule or aſs, laden or unladen, not drawing three half-pence; for every drove of oxen, cows, or neat cattle, two ſhillings and ſix pence per ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, goats, or lambs, ſeven pence halfpenny per ſcore, and ſo in proportion; which ſums ſhall be demanded and taken in name of toll or duty, and the money raiſed ſhall be veſted in ſaid truſtees, and the ſame and every part paid, applied, diſpoſed, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, in ſuch manner as after mentioned; and ſaid truſtees or any five or more impowered by themſelves or levied by 5.
any perſons by them or any five under their hands and ſeals authorized to levy the toll or duty upon any perſons, who after demand neglect or refuſe to pay, by diſtreſs of any horſes or other cattle or goods upon which ſuch toll or duty impoſed, or upon any of the goods and chattles of ſuch perſons who ought to pay, and may detain and keep until ſuch

toll or duty with reaſonable charges of diſtraining and keeping paid; and it may be lawful for perſons ſo diſtraining, after five days after diſtreſs taken, to ſell the goods, returning the overplus (if any) upon demand, to owner.

Applied after charges paid, to repair and ſhortening the road.

CCCXLVI. *ſect.* 2. Out of the firſt money ariſing out of the profits of the turnpikes ſaid truſtees or any five ſhall firſt pay and diſcharge the expences of procuring this act, and of erecting ſuch turnpikes, and building and repairing ſuch toll-houſes, and buying or renting ground to erect or build the ſame upon, and thenceforth the whole of the profits ariſing from the tolls ſhall be applied for and towards the repair, and ſhortening of ſaid road.

If a ſurplus 15 may by order reduce the toll.

CCCXLVII. *ſect.* 3. Provided no part of the money ariſing from ſaid tolls ſhall be applied to any other purpoſe, except to the repair of ſaid road, and that the truſtees ſhall be accountable for ſuch ſurplus, as ſhall remain after ſaid road effectually repaired; and if ſaid road can be kept in good and effectual repair for a leſs ſum, than that which ſhall be annually produced by the tolls, ſo often as there ſhall be any ſurplus, ſaid commiſſioners or any fifteen or more, ſhall in ſuch proportion, as they think fit, by order under hands and ſeals reduce the tolls impoſed and payable by this act.

On complaint to judge of aſſize, ordered to be repaired out of the toll.

CCCXLVIII. *ſect.* 4. Provided if any complaint made to any of the judges of aſſize for county of Tipperary, King's-county, or county of Weſtmeath, that any part of ſaid road is out of repair, ſuch judge, to whom ſuch complaint made, ſhall examine into the matter of ſuch complaint upon oath in a ſummary way, and if he find any part of ſaid road out of repair, he ſhall by order in writing direct the whole of ſaid tolls, or ſo much as neceſſary, to be applied in putting ſaid road into ſuch repair as before mentioned.

Treaſurer firſt of every aſſizes to return account on oath to crown clerk;

CCCXLIX. *ſect.* 5. Treaſurer of tolls of ſaid road ſhall on firſt day of every aſſizes return to clerk of crown of each county, where a gate erected, a particular account ſigned by him, and verified by affidavit at the foot, ſworn before one of the judges of aſſize for ſaid county or counties reſpectively, ſpecifying the ſum received at each turnpike on ſaid road, the ſums paid by him, to whom, for what, and when, the balance (if any) remaining in his hands; and the clerk of crown ſhall lay the ſame before the grand jury at ſaid aſſizes to be inſpected by them, and afterwards file the ſame in his office.

laid before grand jury and filed.

Or incapable and fined not above 50l.

CCCL. *ſect.* 6. If ſuch treaſurer neglect to return ſuch account at the time herein mentioned, he ſhall be incapable of holding or exerciſing ſuch office; and the judge of aſſize is authorized upon due proof of ſuch omiſſion or neglect to fine ſaid treaſurer not exceeding fifty pounds; and in default of payment to impriſon ſaid treaſurer not exceeding ſix months; ſuch fines to be applied in the ſame manner and for ſame purpoſe as the tolls for uſe of ſaid road.

or impriſoned not above 6 months.

Unleſs excuſe on oath.

CCCLI. *ſect.* 7. Provided if a reaſonable excuſe upon oath for ſuch omiſſion laid before ſuch judge and allowed by him, ſuch treaſurer ſhall not be ſubject to ſuch diſqualification or fine.

Puniſhed for perjury.

CCCLII. *ſect.* 8. Any perſon taking the oaths, or making the affidavits, guilty of wilful and corrupt perjury, ſhall upon conviction incur and ſuffer like

like pains and penalties, to which any other perſon convicted of perjury is liable by laws and ſtatutes of this kingdom.

CCCLIII. *ſect.* 9. The ſums paid to creditors in purſuance of this act, ſhall be deemed a full ſatisfaction for their debts. Sums paid to creditors a full ſatisfaction.

CCCLIV. *ſect.* 10. Whereas the ſaid highway from Nenagh to Birr may be conſiderably ſhortened: ſaid road ſhall be carried in a new and more direct line, according to the ſurvey heretofore made, to commence from John Coſtellor's forge on the lands of Grange in county Tipperary, and to end at the houſe of James Piper on ſaid lands of Grange; which new line contains in the whole one hundred and ſixty perches and an half; and ſaid truſtees or any five are impowered to apply a ſufficient ſum for making ſaid new line and incloſing the ſame, and to make ſuch recompence and ſatisfaction out of the tolls or duties, by ſuch a ſum as ſhall not exceed in the whole fifty pounds ſterling. The road carried in a more direct line.

CCCLV. *ſect.* 11. If any perſons owning, renting, or occupying any land near any turnpike, permit to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, or capriole, waggon, wain, cart, car, or other carriage, or riding, driving, or drawing any horſe, aſs, mule, or other cattle, to avoid toll, and convicted upon oath of one or more credible witneſſes, before ſaid truſtees or any five, or one or more juſtices for the county wherein offence committed (which oath ſuch truſtees and juſtices are required to adminiſter, and to hear and determine upon in a ſummary way) every ſuch perſon, and alſo the perſons who paſs through any ground to avoid ſaid toll or duty, ſhall forfeit to the truſtees twenty ſhillings, to be levied by diſtreſs and ſale, by warrant under hand and ſeal of ſaid juſtices, or truſtees or any five, rendering the overplus (if any) to the owner, the charges in taking and diſpoſing firſt deducted; which penalty ſhall be expended by ſaid truſtees in repair of ſaid road. Permitting paſſage to avoid toll, and perſons paſſing 40s.

CCCLVI. *ſect.* 12. It ſhall be lawful for ſaid truſtees or any five to erect gates or turnpikes on the ſide of the highway acroſs any way or lane leading out of ſaid road, and toll houſes, and receive ſuch toll, ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes from Nenagh through Birr and Firbane to Curranaboy-bridge. Side gates erected, ſo as no double charge.

CCCLVII. *ſect.* 13. Said truſtees, or any five, at firſt or any ſucceeding meetings, by writing under hands, and ſeals, ſhall elect one fit perſon receiver or treaſurer, and one other to be clerk or regiſter, and overſeer, or ſurveyor, for writing and keeping the minutes belonging to ſaid road, and reviewing repairs and condition of the road, and ſhall from time to time remove either of them, as they ſee occaſion, and appoint new ones in caſe of death, reſignation, or ſuch removal; and ſhall out of the money pay or allow to ſaid receiver or treaſurer, clerk, regiſter, or overſeer, in conſideration of trouble in execution of their offices, ſuch ſums as to ſaid truſtees or any five ſeem good; ſo as ſuch allowance or payment to receiver or treaſurer, clerk, regiſter, and overſeer, do not annually exceed ten pounds. 5 truſtees at meeting to appoint treaſurer, clerk, and overſeer, and remove, and appoint allowance.

CCCLVIII. *ſect.* 14. Provided the perſons nominated to ſuch offices, or either of them, ſhall not act, until each reſpectively firſt enter into ſecurity by bond and warrant with two ſufficient ſureties in penalty of five hundred pounds, payable to the truſtees, conditioned that ſuch officers ſhall truly Giving 500*l.* ſecurity by bond and 2 ſureties.

and faithfully account for and pay all money they ſhall reſpectively from time to time receive out of or for the tolls and duties to the truſtees, as often as they ſhall be required, and for faithful diſcharge of ſaid offices; and every ſuch bond and warrant, as ſoon as executed, ſhall be lodged in hands of the principal creditor of ſaid road preſent at the meeting of ſaid truſtees at which ſuch bond and warrant executed; and if no creditor preſent, that then ſaid bond and warrant ſhall be lodged in hands of the chairman of the board or meeting, at which ſuch bonds perfected.

Materials raiſed, paying damage;

CCCLIX. *ſect.* 15. It ſhall be lawful for ſuch perſons, as ſaid truſtees or any five appoint or employ, to repair ſaid road, or any part, or for any perſons with whom ſaid truſtees contract, to dig, raiſe, and gather any gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of ſaid highway or road lie, and for want of materials there to dig, gather, raiſe, take and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and where not ſufficient of ſaid materials in any common or waſte adjoining it, it ſhall be lawful for them, by order of ſaid truſtees, or any five in writing, to dig, raiſe, and gather the ſame in the ſeveral grounds of any perſons, not being a garden, orchard, yard, meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much as ſhall be wanting for amending and repairing ſaid road or any part, paying ſuch rates for ſuch materials to owner or occupier of the ground, as ſaid truſtees or any five judge reaſonable; and in caſe of any difference between ſuch owner and occupier and ſaid truſtees, touching the materials or damage, ſuch damage ſhall be aſſeſſed by two ſubſtantial houſeholders of the county in which ſuch ground doth lie; one named by each of ſaid parties, ſworn by any juſtice of ſaid county, to make a true eſtimate of ſuch damages to beſt of their ſkill and knowledge (which oath ſuch juſtice is required to adminiſter) and if any perſons obſtruct or prevent the digging for, raiſing or carrying away ſuch materials, ſuch perſons upon conviction by oath of one or more credible witneſſes before any one juſtice of the county where ſuch offence committed, (which oath ſaid juſtice is required to adminiſter) ſhall for every ſuch offence forfeit to the truſtees a ſum not exceeding five pounds, to be levied by diſtreſs and ſale, by warrant under hand and ſeal of ſuch juſtice, rendering the overplus (if any) to owner, the charges in taking and diſpoſing being firſt deducted; which penalty ſhall be expended by ſaid truſtees in repair of ſaid road.

obſtructing 5 £.

Tolls but once a day in another diviſion.

CCCLX. *ſect.* 16. No perſons obliged to pay any of the tolls more than once in the ſame day within either of the diviſions of ſaid road; but every perſon having paid the toll or duty at any one of the gates on that diviſion between Curranaboy-bridge in Weſtmeath and Firbane, on producing a note or ticket thereof, (which receivers of ſaid tolls are required to give without fee or reward) ſhall be permitted to paſs free through all the ſeveral gates on ſaid diviſion at any time during the day on which he ſhall have paid ſaid toll; and ſo in like manner having once paid ſaid toll at any one of the gates on ſaid other diviſion between Firbane and Birr and town of Nenagh, ſhall on producing ſuch ticket or note, be admitted at

any

any time during the ſame day to paſs through all the other gates on ſaid laſt mentioned diviſion; but it is the true intention and meaning of this act, that every perſon ſhall pay twice on the ſame day, in caſe he ſhall travel over more of ſaid road, than is contained in one diviſion of the ſame.

CCCLXI. *ſect.* 17. It ſhall be lawful for ſaid truſtees, or any five, by any agreement, leaſe, or demiſes in writing under hands and ſeals to demiſe or leaſe, let or ſet, all or any part of the tolls and duties by publick and open cant to the beſt and faireſt bidder, for any time not exceeding two years, to commence on firſt May or firſt November which ſhall firſt happen after ſuch demiſe or leaſe, thirty days previous notice being firſt given of ſaid truſtees intentions, and of the time and place appointed for the doing thereof, which notice ſhall be ſubſcribed by the clerk or regiſter of ſaid truſtees, and publickly poſted at the ſeveral gates on ſuch road; and all the rent and yearly income of ſaid tolls ſhall be paid and applied in ſame manner as the tolls hereby payable are directed and appointed: and all leaſes and agreements by ſaid truſtees, without ſuch previous notice, or for any longer term than two years, or otherwiſe than by publick and open cant, ſhall be to all intents and purpoſes void.

5 truſtees may demiſe toll 2 years by publick cant on notice 30 days.

CCCLXII. *ſect.* 18. It ſhall be lawful for ſaid truſtees or any five, during this act, to contract or agree by the year or otherwiſe with any perſons, who at publick and open cant by ſaid truſtees, or any five, undertake to repair ſaid road, or any part, on terms moſt advantageous for ſaid road, twenty days previous notice being firſt given of ſaid truſtees intentions, and of time and place appointed, publickly poſted at the ſeveral gates on ſaid road; and all contracts and agreements for repairing ſaid road by ſaid truſtees with any other perſons, or in any other manner than as before directed, ſhall be to all intents void.

May contract for repair,

20 days notice.

CCCLXIII. *ſect.* 19. All ſums which remained due to the late truſtees for or upon account of the tolls and duties payable by ſaid act thirteenth George the ſecond, at expiration thereof, by or from the gate-keepers, toll-farmers, or other perſons who received the ſame, be veſted in the truſtees appointed by this act, to be recovered and received from ſuch perſons reſpectively, their executors, adminiſtrators and ſureties; and ſuch ſums, after deducting the expences which attend the ſuing or recovery thereof, ſhall be paid and applied by truſtees or any five amongſt the creditors of ſaid road before mentioned, their executors, adminiſtrators, or aſſigns, rateably and in proportion to their reſpective debts.

Money due to late truſtees by 13 G. 2. c. 16. veſted in truſtees by this act;

and applied to creditors.

CCCLXIV. *ſect.* 20. If any perſons, having paid the toll or duty, and having ſuch note or ticket as required, ſhall give or diſpoſe of the ſame to any other to avoid payment of toll, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, being convicted upon oath of one or more credible witneſſes, before ſaid truſtees, or any ſeven or more, any one or more juſtices for the county wherein offence committed (which oath ſaid truſtees, or juſtices are impowered to adminiſter) ſhall reſpectively forfeit and pay for every offence ten ſhillings, levied, recovered, and diſpoſed of, as any other penalty or forfeiture by this act.

Giving or receiving tickets to avoid tolls 10s.

CCCLXV. *ſect.* 21. Provided no perſon ſhall be charged with any of the tolls or duties, who ſhall paſs through any of the turnpikes, who ſhall carry any quantity of ſtones, gravel, or other materials for repairing ſaid road, or any of the roads in the pariſhes in which the ſame lie, or in any of the neighbouring

Exempt from tolls.

neighbouring pariſhes, nor ſhall any perſons be chargeable with ſaid toll for any carts, cars, or waggons loaded with corn in ſtraw only, or for any plows, harrows or other implements of huſbandry, in order to the uſing and repairing of the ſame, in the ſeveral pariſhes in which ſaid highways hereby intended to be repaired lie; nor taken at any of the turnpikes for any horſe, mare, gelding, aſs, or mule, or other cattle going to water; or for any poſt-horſe carrying the mail or packet, or for ſuch horſe as uſed only to ride on by owner or driver of any waggon, cart or carriage; provided ſuch horſe paſs through ſaid turnpike with ſuch waggon, cart, or carriage; nor be demanded or taken for the horſes of ſoldiers paſſing upon their march; or for any waggons, carts, cars, or other carriages attending them, or travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Continued 21 years.

CCCLXVI. *ſect.* 22. The tolls or duties ſhall take place and have continuance from and after the firſt of Auguſt 1778, for and during twenty one years.

Other truſtees elected on vacancy, by any 5 or more, living in the counties.

CCCLXVII. *ſect.* 23. It ſhall be lawful to the ſaid truſtees or any five, upon death or reſignation of any truſtees in this act, or hereafter elected, from time to time, to elect another fit perſon, or ſo many more fit perſons living in ſaid county of Tipperary, King's county, or county of Weſtmeath, to be joined with ſaid truſtees in execution of all powers by this act; and all perſons choſen truſtees ſhall be impowered to act to all intents in as ample manner, as ſaid truſtees are by this act impowered.

To meet and adjourn;

CCCLXVIII. *ſect.* 24. Said truſtees, or any five ſhall meet at Nenagh on the eighth of September 1778, and then adjourn, and afterwards meet there, or at any other place near the ſaid highway, as ſaid truſtees, or any five think proper, as often as neceſſary for putting this act in execution; and if there ſhall not appear at any meeting a ſufficient number to act and adjourn, the clerk by notice in writing, affixed to the turnpikes at leaſt twenty days before next meeting, ſhall appoint ſaid truſtees to meet at the houſe where the meeting laſt appointed, or at ſome other convenient houſe near ſaid road, on ſome certain day mentioned in ſuch notice; and if a ſufficient number do not attend on the day appointed, he ſhall appoint another day, and ſo on, until a ſufficient number attend; and ſaid truſtees at firſt and all ſubſequent meetings ſhall defray their own charges and expences.

if not a number, clerk to appoint a day.

20 days notice poſted,

acts and proceedings entered by clerk,

CCCLXIX. *ſect.* 25. Before any aſſembly of ſuch truſtees ſhall after firſt meeting be held to do any act or make any order twenty days previous notice ſigned by the clerk or regiſter of the occaſion, time, and place ſhall be publickly poſted at every gate on ſaid road; and all acts, orders, and proceedings by ſaid truſtees, ſhall on the day whereon done, made, or had, be fairly wrote in a book by ſuch clerk or regiſter, and ſubſcribed on the ſame day by five of ſaid truſtees at leaſt, who ſhall aſſent, which books ſhall remain in cuſtody of ſuch clerk or regiſter, to be inſpected by any creditor or other intereſted perſon at all ſeaſonable times, without fee or reward; and all acts, orders, and proceedings, without ſuch previous notice poſted, and not fairly wrote in a book, and ſubſcribed by at leaſt five of ſaid truſtees aſſenting, ſhall be to all intents void.

CCCLXX. *ſect.* 26. Provided if any perſon appointed a truſtee ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty, ſuch perſon ſhall be incapable from the time of accepting or continuing to enjoy ſuch place of profit of acting as a truſtee.

CCCLXXI. *ſect.*

CCCLXXI. *ſect.* 27. Provided no perſon hereafter appointed or elected as truſtee ſhall be capable of acting as truſtee, unleſs ſuch perſon ſeized and in actual poſſeſſion of lands, tenements, and hereditaments, being freehold of the clear yearly value of fifty pounds, or who ſhall not have a perſonal eſtate of clear value of one thouſand pounds; and the perſon ſo elected, before admitted to act as a truſtee, ſhall ſwear his eſtate is of that value before five truſtees aſſembled at a board, which oath ſaid truſtees or five of them are impowered to adminiſter.

CCCLXXII. *ſect.* 28. The truſtees appointed by this act, and hereafter appointed, and their ſucceſſors, ſhall be perſons capable in law to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto in all courts of law and equity, by name of the truſtees appointed for putting in execution the powers and authorities mentioned in this act, and ſhall make and uſe a common ſeal for purpoſes aforeſaid; and alſo capable in law by ſuch name to take ſecurities for any money due or to be due to them as truſtees, and for performance of any agreement entered into with them, or for due execution of any power or authority committed to any perſons concerning ſaid road, or the tolls or duties, and alſo to enter into, and execute all ſuch contracts and agreements as neceſſary for, or relative to, execution of ſaid truſt.

CCCLXXIII. *ſect.* 29. Service of the clerk or regiſter of truſtees with any ſubpœna, order, decree, or proceſs of any court of law or equity, ſhall be good ſervice of ſaid truſtees, ſo as ſuch ſervice be made twenty days at leaſt before the return.

CCCLXXIV. *ſect.* 30. If any ſuit commenced againſt any perſons for any thing done in purſuance of this act, the venue ſhall be laid in county of Tipperary, King's county, or Weſtmeath, and not elſewhere; and defendants may plead the general iſſue, and give this act and ſpecial matter in evidence at any trial thereupon, and that the ſame was done, in purſuance and by authority of this act; and if it appear ſo done, or that ſuch action ſhall be brought in any other county, the jury ſhall find for defendants; and upon ſuch verdict, or if plaintiff nonſuited, or diſcontinue after defendants appeared, or if on any demurrer judgment given againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy for the ſame, as any defendants have in any other caſes by law.

CCCLXXV. *ſect.* 31. This act ſhall be deemed, adjudged and taken to be a publick act, and judicially taken notice of as ſuch by all judges, juſtices and other perſons without ſpecially pleading. A publick act.

CCCLXXVI. *Stat.* 17 & 18 *Geo.* 3. *cap.* 40. *ſect.* 1. The road from Maryborough through Mountrath and Caſtle-town to Borris in Oſſory, erected into a ſeparate and diſtinct turnpike; and a toll collected and received on that part of ſaid road ſeparate and diſtinct from the toll on the other part to, and the road from Borris in Oſſory through Roſcrea, and Dunkerrin to Tomivarah, erected into another ſeparate and diſtinct turnpike, ſo as that a toll may be collected and received on that part of the road, ſeparate and diſtinct from the toll on the other part. 9 G. 2. c. 22. Maryborough road, diſtinct turnpikes erected.

CCCLXXVII. *ſect.* 2. After firſt of Auguſt 1778, the earl of Mountrath, the earl of Drogheda, the earl of Upper-Oſſory, lord viſcount Carlow, lord viſcount De Veſci, the right honourable Edmond Sexten Pery, the honourable John Dawſon, Sir Robert Staples, baronet, Sir Kildare Dixon Burrowes, Truſtees.

Burrows, baronet, Sir William Parſons, baronet, Sir John Parnal, baronet, Charles Henry Coote, eſquire, John Lloyd, eſquire, Francis Matthew, eſquire, Henry Prittie, eſquire, Thomas Smyth, eſquire, Daniel Toler, eſquire, Peter Holmes, eſquire, John Pendergaſt, eſquire, John Tydd, eſquire, John Toler, eſquire, colonel Thomas Pigot, John Kilpatrick, eſquire, William Pole, eſquire, John Parnel, eſquire, general Hunt Walſh, reverend dean Coote, Robert Stubber, eſquire, William Deſpard, eſquire, Anthony Sharp, eſquire, reverend Frederick Trench, Robert Flood, eſquire, William Vaughan, eſquire, reverend Richard Warburthon Carden, the reverend Robert Curtis, Peter Dalton, eſquire, Francis Roleſton, eſquire, Luke Flood, eſquire, Charles White of Raheen, eſquire, Moſes Pim, eſquire, Thomas Short, eſquire, Edward Flood, eſquire, Robert White eſquire, James Hutchinſon, eſquire, John Minchin eſquire, Richard Croaſdale eſquire, Robert Palmer eſquire, the reverend Sewell Stubber, James Pim, eſquire, George Deſpard, eſquire, Thomas Pepper, eſquire, James Hutchinſon of Knock, eſquire, the reverend Francis Deſpard, Robert Anthony Flood Sharp, eſquire, William Minchin eſquire, John Andrews eſquire, Thomas Short, eſquire, Thomas Hutchinſon, eſquire, James Roleſton, eſquire, James Hutchinſon junior, eſquire, Robert Lord Jocelyn, John Thomas Waller eſquire, Robert Waller eſquire, reverend Richard Maunſell, reverend William Waller, John Bloomfield eſquire, Thomas Otway eſquire, Cooke Otway eſquire, James Poe eſquire, Arthur Blennerhaſſet eſquire, Rowland Bateman eſquire, Edward Leſlie eſquire, James Carigue Ponſonby eſquire, James Stephens eſquire, dean Pery, John Dowdall Hammond, John Perey, George, Perey, Samuel Harden, the reverend Cecil Weſtropp, Thomas Weſtropp, Dowdall Pigott, John Pigott, Henry Baylee eſquires, Robert Peppard, Maurice Huddert junior, gentleman, Sir Henry Hartſtonge baronet, Hugh Cane eſquire, and Standiſh Grady of Capercullen eſquire, the right honourable Sir Robert Tilſon Deane baronet, the honourable Hugh Maſſey, the honourable John Maſſey, Mathew Caſſan, eſquire, Robert Baldwin, eſquire, Jonathan Baldwin eſquire, Henry Moon eſquire, Richard Vicars eſquire, Humphrey Palmer eſquire, Joſeph Palmer eſquire, Richard Philips eſquire, Joſeph Calcutt, Benjamen Softlaw, eſquire, John Bennington, eſquire, William Walpole eſquire, John Kemmis eſquire, John Murray Prior eſquire, Henry Palmer eſquire, Thomas Palmer, eſquire, Thomas Humphreys eſquire, John White eſquire, William Drought, Robert Drought, Richard Steele eſquire, Thomas Conway eſquire, Thomas Spunner eſquire, and Robert Jackſon eſquire, ſhall be appointed truſtees of ſaid roads, and they or any ſeven or ſuch as they authorize, ſhall erect one or more gates or turnpikes in, upon, or acroſs any parts of ſaid highways, and on the ſide acroſs any road or lane leading out of ſaid highways within the Queen's county, King's county, or Tipperary, and alſo toll houſes contiguous, and there receive and take tolls and duties following; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, or mares, or other beaſt of burthen, one ſhilling and ſix pence; drawn by four, one ſhilling; drawn by two, eight pence; for every waggon, wain, cart, or carriage with four wheels, five ſhillings; for every wain, cart, or carriage with two wheels, drawn by two, four pence; for every wain, cart, or carriage, with two wheels drawn by three or more, two ſhillings and ſix pence; for every carriage commonly called a chair or chaiſe with one horſe, mare, or gelding, or other beaſt of burthen, four pence; for

Tolls.

for every car, or other carriage, having but one horſe, two pence, except cars or other carriages laden with turf, hay, and corn unthreſhed only, and drawn by one horſe, which are hereby exempted from any of the tolls charged; for every horſe, mare, gelding, mule or aſs, with any perſon riding thereon, three half pence; not drawing nor having any perſon riding thereon, one penny; every drove of oxen, cows, or neat cattle, one ſhilling and eight pence by the ſcore, and ſo in proportion for any greater or leſſer number; every drove of hogs, calves, ſheep, goats or lambs, five pence by the ſcore, and ſo in proportion; which ſums of money ſhall be demanded and taken in name of toll, and the money raiſed veſted in ſaid truſtees, and every part ſhall be paid, applied, and diſpoſed of, for the ſeveral uſes, intents and purpoſes, and in ſuch manner as after directed; and ſaid truſtees or any ſeven ſhall be impowered by themſelves, or any perſons by them, or any ſeven under their hands and ſeals authorized, to levy the toll upon any perſons, who ſhall, after demand, neglect or refuſe to pay by diſtreſs of any horſes or other cattle or goods upon which ſuch toll impoſed, or upon any other of the goods and chattles of ſuch perſons, and may detain and keep until ſuch toll with reaſonable charges of diſtraining or keeping ſhall be paid; and it ſhall be lawful for perſons ſo diſtraining, after five days from taking diſtreſs, to ſell the goods, returning overplus (if any) upon demand to owner.

CCCLXXVIII. *ſect.* 3. Provided no ſuch gate or turnpike ſhall be erected at any place nearer Maryborough, than the place where the gate erected in purſuance of the former act lately ſtood, near the inn at Boughlone.

CCCLXXIX. *ſect.* 4. Out of the firſt money ariſing from the profits, ſaid truſtees or any ſeven ſhall firſt pay and diſcharge the expence of erecting ſuch turnpikes, and building and repairing toll houſes, and buying or renting ground to erect or build upon; and after ſuch charges and expences the whole of the profits from the tolls, after deducting ſalaries after mentioned, ſhall be applied to put all the ſaid road into effectual and complete repair, and from time to time to keep the ſame in ſuch repair; and when the whole of ſaid road effectually repaired, the ſurplus of the toll ſhall be diſtributed and paid to and amongſt ſuch perſons, as ſhall appear upon the examination after directed to be *bona fide* creditors upon ſaid road, rateably and in proportion to their debts.

CCCLXXX. *ſect.* 5. Provided no part of the money ariſing from ſaid tolls ſhall be applied to any other purpoſe, except to the erecting ſuch turnpikes and toll houſes, and buying or renting ground to erect upon, paying the ſalaries after mentioned, and repairing ſaid roads, until proved upon oath, to ſatisfaction of ſaid truſtees, or any fifteen (which oath ſaid truſtees are impowered to adminiſter) by teſtimony of three credible witneſſes at leaſt, (which teſtimony ſhall be reduced into writing, and ſigned by them reſpectively, and lodged with the clerk) that ſaid road is in good and compleat order and condition, and until ſaid truſtees, or any fifteen ſhall have reſolved, that ſaid road is in good and compleat order and condition, and entered ſuch reſolution in their books, and ſigned the ſame.

CCCLXXXI. *ſect.* 6. Provided as often as any part of ſaid road ſhall become out of repair, no part of ſaid tolls ſhall be paid to ſaid creditors until the ſame effectually repaired, and ſuch repairs proved in manner before mentioned.

CCCLXXXII. *ſect.* 7. Provided if any complaint made to any of the judges of aſſize for the Queen's county, that any part of ſaid road in the King or Queen's county, is out of repair, or to any of the judges of aſſize for county of Tipperary, that any part of ſaid road in Tipperary is out of repair, ſuch judge ſhall examine into the matter of ſaid complaint in a ſummary way; and if he ſhall find any part of ſaid road out of repair, ſhall by order in writing direct the whole of ſaid tolls, or ſo much as neceſſary, to be applied to putting ſaid road into ſuch repair as before mentioned.

CCCLXXXIII. *ſect.* 8. Said truſtees or any fifteen ſhall before any ſuch diſtribution amongſt the creditors examine into the genuineneſs and reality of debentures, under which ſaid creditors claim their debts; and if any doubts ariſe thereon, or whether ſuch debentures were really and *bona fide* given or made for good and valuable conſideration, or any other doubts concerning any debt claimed upon ſaid road, ſaid commiſſioners, or any fifteen, ſhall proceed to examine upon oath touching the matters aforeſaid ſuch perſons, againſt whom no legal objection ſhall lie, as ſhall be produced as well for as againſt ſaid creditors, and the teſtimony of ſaid perſons ſhall be reduced into writing, and ſigned by them, and lodged with the clerk.

CCCLXXXIV. *ſect.* 9. After ſuch examination it ſhall be lawful for ſaid truſtees or any fifteen to determine, which of the perſons claiming to be creditors on ſaid road are real, and for what ſums reſpectively; and ſuch determination ſhall be entered in books of ſaid truſtees, and ſigned by ſuch as preſent at the meeting.

CCCLXXXV. *ſect.* 10. Treaſurer of the tolls ſhall, on firſt day of every aſſizes for the county of Tipperary, return to clerk of crown a ſeparate and particular account in writing concerning ſuch part of ſaid road as lies within Tipperary, ſigned by him, and verified by affidavit at the foot, ſworn before one of judges of aſſize, (which oath ſaid judge is impowered to adminiſter) ſpecifying the ſums received at each gate on ſuch part of ſaid road as lies in Tipperary; or if any ſuch gate leaſed or demiſed, purſuant to this act, then ſpecifying the ſum received on account of the rent, the ſums paid by him on account of ſuch parts of ſaid road, to whom, and for what, and when, and the balance (if any) in his hands; and ſaid treaſurer ſhall in like manner on firſt of every aſſizes for Queen's county return to clerk of crown a ſeparate and particular account in writing, concerning ſuch part of ſaid road as lies within the King or Queen's county, ſigned by him, and verified by an affidavit at the foot, ſworn before one of the judges, ſpecifying ſums received, ſums paid, to whom, and for what and when, the balance remaining; and the clerk of crown at each aſſizes ſhall lay ſaid reſpective accounts before the grand jury to be inſpected, and afterwards file in his office.

CCCLXXXVI. *ſect.* 11. If ſuch treaſurer neglect to return ſuch accounts at the time, incapable of holding or exerciſing ſuch office; and the judge preſiding at aſſizes, where default made, ſhall alſo fine him fifty pounds, and in caſe of non-payment commit to priſon until paid; and ſuch fine ſhall be applied in ſame manner and purpoſes as the tolls.

CCCLXXXVII. *ſect.* 12. Provided if reaſonable excuſe, upon oath, laid before ſuch judge and allowed, ſuch treaſurer ſhall not be ſubject to any diſqualification or fine.

CCCLXXXVIII. *ſect.* 13. Any perſons taking the oaths, or making the affidavits before mentioned guilty of wilful and corrupt perjury, ſhall on conviction incur and ſuffer like pains and penalties, to which any perſon convicted

victed of wilful and corrupt perjury is liable by laws and ſtatutes of this kingdom.

CCCLXXXIX. *ſect.* 14. The ſums paid to and accepted by ſaid creditors ſhall be deemed and be a full ſatisfaction for their debts, or for ſo much as ſaid creditors reſpectively agree to have diſcharged by ſuch payment.

CCCXC. *ſect.* 15. If any perſons whatſoever, owning, renting, or occupying any land near any turnpikes, erected in purſuance of this act, permit any perſons whatſoever to paſs through any gate, paſſage, or way, with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or other carriage, or riding or driving any horſe or ſort of cattle, to avoid the toll, and convicted upon oath of one or more credible witneſſes before ſaid truſtees, or any ſeven, or one or more juſtices for the county wherein offence committed, every perſon ſo permitting, and alſo the perſons who ſhall paſs, ſhall forfeit to the truſtees twenty ſhillings, by diſtreſs and ſale of goods, by warrant, rendering the overplus (if any be) to the owner, the charges in taking and diſpoſing being firſt deducted; which penalty ſhall be expended in repair of ſaid road.

CCCXCI. *ſect.* 16. Said truſtees, or any ſeven, at any firſt or any ſucceeding meeting, by writing under hands and ſeals, ſhall elect one fit perſon to be receiver or treaſurer, and one other to be clerk or regiſter, and overſeer or ſurveyor, and ſhall from time to time remove either of them, as they ſee occaſion, and appoint new ones in caſe of death, reſignation, or ſuch removal; and ſhall out of the money ariſing by ſaid tolls pay or allow to ſaid receiver or treaſurer, clerk, regiſter, or overſeer, in conſideration of their trouble, ſuch ſums, as to ſaid truſtees, or any ſeven ſhall ſeem good, ſo as ſuch allowance do not annually exceed ten pounds.

CCCXCII. *ſect.* 17. Provided perſons nominated ſhall not act in ſuch offices, until each of them reſpectively firſt enter into ſecurity by bond and warrant, with two ſufficient ſureties in penalty of five hundred pounds payable to the truſtees, conditioned that ſuch officers ſhall truly and faithfully account for and pay all ſuch ſums as they receive, as often as required, and for faithful execution and diſcharge of ſaid offices; and every ſuch bond and warrant as ſoon as executed, ſhall be lodged in hands of the principal creditor preſent at the meeting of truſtees, at which ſuch bond and warrant executed; and if no creditor preſent, in the hands of the chairman.

CCCXCIII. *ſect.* 18. It ſhall be lawful for ſuch perſons, as ſaid truſtees or any ſeven appoint, or with whom ſaid truſtees contract for repair of ſaid roads, to dig, raiſe and gather any gravel, ſand, ſtones, or other materials in the grounds of any perſons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to an houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch, and ſo much as wanting for repairing ſaid roads, or any part, paying ſuch rates for ſuch materials, and for the damage to the owner or occupier, as ſaid truſtees, or any ſeven judge reaſonable; and in caſe of any difference touching the value, ſuch damage ſhall be aſſeſſed by two ſubſtantial houſeholders of the county, in which ſuch ground doth lie, one named by each of ſaid parties, who ſhall be ſworn by any juſtice of ſuch county to make a true eſtimate to beſt of their ſkill and knowledge; and if any perſons obſtruct or prevent the digging for, raiſing, or carrying away ſuch materials, upon conviction before any one juſtice of the county, ſhall for every ſuch offence forfeit to the truſtees,

not exceeding five pounds, levied by diſtreſs and ſale of goods by warrant, rendering overplus (if any) to owner, the charges in taking and diſpoſing being firſt deducted; which penalty ſhall be expended in repair of the ſaid road.

CCCXCIV. *ſect.* 19. No perſons obliged to pay any of the tolls before mentioned more than once in the ſame day within either of the diviſions, but every perſon having paid at any one of the gates on that diviſion between Maryborough and Borris in Oſſory, on producing a note or ticket thereof, (which receivers of ſaid tolls are required to give, without fee or reward) ſhall be permitted to paſs through all the gates on ſaid diviſions, during the day on which he ſhall have paid, ſuch day to be computed from twelve o'clock each night to twelve on the ſucceeding night, and in like manner having once paid at any one of the gates on ſaid other diviſion of ſaid road; but it is the true intention of this act, that every perſon ſhall pay twice on the ſame day, in caſe he ſhall travel over more of ſaid road than is contained in one diviſion of the ſame.

CCCXCV. *ſect.* 20. It ſhall be lawful for ſaid truſtees or any ſeven by any agreement, leaſe or demiſe in writing, under their hands and ſeals to demiſe or leaſe, ſet or let, all or any part of the tolls and duties by publick and open cant to the beſt and faireſt bidder, for any time not exceeding two years, to commence on the firſt May, or November, which ſhall firſt happen after ſuch demiſe or leaſe, thirty days previous notice being firſt given of truſtees intentions, and of the time and place appointed, which notice ſhall be ſubſcribed by the clerk or regiſter, and publickly poſted at the ſeveral gates on ſuch road; and all rent or yearly income of ſaid tolls ſhall be paid and applied in ſame manner as the tolls; and all leaſes and agreement by ſaid truſtees without ſuch notice, or for any longer term than ſaid two years, or otherwiſe than by publick and open cant, ſhall be to all intents and purpoſes void.

CCCXCVI. *ſect.* 21. It ſhall be lawful for ſaid truſtees or any ſeven from time to time during this act to contract or agree by the year or otherwiſe with any perſons, who at a publick and open cant undertake to repair ſaid road or any part, on the terms moſt advantageous to ſaid road, twenty days previous notice being given of truſtees intentions, and of the time and place appointed, which notice ſhall be publickly poſted at the ſeveral gates on ſaid road; and all contracts and agreements for repairing, otherwiſe than by publick cant, or without ſuch notice, ſhall be to all intents void.

9 G. 2. c. 22. CCCXCVII. *ſect.* 22. All money, which remained due to the late truſtees upon account of the tolls payable by ſaid act of the ninth George the Second, at expiration thereof, by gate keepers, toll farmers, or other perſons who received, veſted in the truſtees appointed by this act to be recovered and received from ſuch perſons, their executors, adminiſtrators and ſureties; and after deducting the expence which ſhall attend ſuing or recovery ſhall be paid and applied by the truſtees appointed or any ſeven amongſt the ſeveral creditors of ſaid road before mentioned, their executors, adminiſtrators or aſſigns, rateably and in proportion to their debts.

CCCXCVIII. *ſect.* 23. If any perſons having paid the toll, and having ſuch note or ticket, ſhall give or diſpoſe of the ſame to any other to avoid toll, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, being convicted upon the oath of one or more credible witneſſes before ſaid truſtees or any ſeven, or one or more juſtices for the county wherein offence committed,

committed, ſhall reſpectively forfeit for every ſuch offence ten ſhillings, levied, recovered, and diſpoſed of as any other penalty or forfeiture by this act.

CCCXCIX. *ſect.* 24. Provided no perſon ſhall be charged with any tolls, who ſhall paſs through any of the turnpikes, who carry any quantity of ſtones, gravel, or other materials for repairing ſaid road, or any roads in the pariſhes in which the ſame lie, or in any of the neighbouring pariſhes; nor for any carts, cars, or waggons loaded with corn in ſtraw only, or plows, harrows, or other implements of huſbandry in order to the uſing or repairing of the ſame in the ſeveral pariſhes in which ſaid highways lie; nor for any horſe or other cattle going to water, or poſt-horſe carrying the mail or packet, or for ſuch horſe as uſed only to ride on by owner or driver of any waggon, cart, or carriage; provided ſuch horſe paſs through with ſuch carriage; nor any toll for the horſes of ſoldiers upon their march, or for any carriages attending them, or for horſes or carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

CCCC. *ſect.* 25. The tolls hereby granted ſhall take place and have continuance from 1ſt Auguſt 1778 for and during twenty one years. Continuance 21 years from 1 Aug. 1778.

CCCCI. *ſect.* 26. It ſhall be lawful for ſaid truſtees or any ſeven, upon death or reſignation of any of truſtees, to elect, nominate, and appoint in the room of truſtees deceaſed or reſigning ſo many more fit perſons living in Queen's county, King's county, or county of Tipperary, to be joined with ſaid truſtees, and all perſons ſo choſen impowered to act to all intents in as ample manner as ſaid truſtees are impowered, and ſo from time to time.

CCCCII. *ſect.* 27. Said truſtees or any ſeven ſhall meet at Maryborough on the 8th of September 1778, and then adjourn, and afterwards meet there or at any other place near ſaid highway or road, as ſaid truſtees or any ſeven think proper, as often as neceſſary; and if there ſhall not appear a ſufficient number, the clerk by notice in writing affixed at the reſpective gates at leaſt twenty days before next meeting ſhall appoint to meet at the houſe, where the meeting was laſt appointed, or at ſome other convenient houſe near ſaid road on ſome certain day; and if a ſufficient number do not attend on the day, he ſhall appoint another, and ſo on until a ſufficient number attend; and ſaid truſtees at firſt and all ſubſequent meetings ſhall defray their own charges and expences.

CCCCIII. *ſect.* 28. Before any aſſembly of ſuch truſtees ſhall after firſt meeting do any act, or make any order, twenty days previous notice ſigned by the clerk or regiſter of the occaſion, time, and place of meeting, ſhall be publickly poſted at every gate on ſaid road; and all acts, orders, and proceedings ſhall on the day whereon done be fairly wrote in a book by ſuch clerk or regiſter, and ſubſcribed on ſame day by ſeven truſtees at leaſt who aſſent, which book ſhall remain in cuſtody of ſuch clerk or regiſter, to be inſpected by any creditor or other intereſted perſon at all ſeaſonable times without fee or reward; and all proceedings without ſuch previous notice, and not wrote and ſubſcribed at the time aforeſaid, ſhall be to all intents void.

CCCCIV. *ſect.* 29. Provided if any perſons appointed truſtees ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll, ſuch perſons incapable from the time of accepting ſuch place of acting as a truſtee, during ſuch time as he ſhall continue to enjoy ſuch place.

CCCCV. *ſect.*

CCCCV. *ſect.* 30. Provided no perſon hereafter elected a truſtee ſhall be capable of acting, unleſs ſeized and in actual poſſeſſion of lands, tenements, or hereditaments freehold of the clear yearly value of fifty pounds, or who ſhall not have a perſonal eſtate of clear value of one thouſand pounds; and the perſon ſo elected before admitted to act ſhall ſwear his eſtate is of ſaid value before ſeven truſtees at a board.

CCCCVI. *ſect.* 31. Truſtees and their ſucceſſors ſhall be capable in law to ſue and be ſued, plead and impleaded, anſwer and anſwered unto, in all courts of law and equity, by name of the truſtees appointed for putting in execution the powers and authorities in this act, and make and uſe a common ſeal for purpoſes aforeſaid, and alſo capable by ſuch name to take ſecurities for any money due to them as truſtees; and for performance of any agreement with them, and for due execution of any power or authority committed to any perſons concerning ſaid road, or the tolls, and alſo to enter into and execute all ſuch contracts and agreements as neceſſary for or relate to execution of ſaid truſt.

CCCCVII. *ſect.* 32. Service of the clerk or regiſter with any ſubpœna, order, decree, or proceſs of any court of law or equity, ſhall be good ſervice of ſaid truſtees.

CCCCVIII. *ſect.* 33. If any ſuit commenced for any thing done in purſuance of this act, the action ſhall be laid in the Queen's county, King's county, or Tipperary, and not elſewhere; and the defendants may plead the general iſſue and give the ſpecial matter in evidence at any trial, and that the ſame was done in purſuance and by authority of this act; and if it appear ſo, or if ſuch actions brought in any other county, the jury ſhall find for defendants; and upon ſuch verdict, or if plaintiff nonſuited or diſcontinue after defendants appeared, or if on any demurrer judgment againſt plaintiff, the defendants ſhall recover treble coſts, and have like remedy as any defendants have in any other caſes.

A publick act.

CCCCIX. *ſect.* 34. This act ſhall be deemed, adjudged, and taken a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons without ſpecially pleading.

Grand juries, except for Antrim, may at aſſizes contract for keeping in repair any part of publick roads repaired by preſentment, not above 7 years, ſigned by parties, delivered to crown clerk, and preſent, not exceeding 3d. per ann. per perch plantation meaſure.

CCCCX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 18. *ſect.* 1. After firſt Auguſt one thouſand ſeven hundred and eighty grand juries of counties, cities, and towns, except Antrim, at each aſſizes ſhall have full power to enter into any contract for keeping any part or proportion of the publick roads heretofore or hereafter made or repaired by preſentment, in ſufficient order and repair, not exceeding ſeven years, ſigned by the parties, and delivered over to clerk of the crown to be kept with records of ſaid counties; and to preſent any money to be levied and raiſed off inhabitants of the baronies or half baronies and of the counties of cities and towns, to be paid to the perſons with whom they make ſuch agreement; provided the ſame ſhall not exceed three pence by the year for each perch plantation meaſure of road ſo to be kept in repair, and ſo for a greater or leſs proportion.

Not paid till affidavit of contractor of being in ſufficient repair, and allowed.

CCCCXI. *ſect.* 2. No part ſo preſented ſhall be paid by treaſurer, until contractors make affidavit before judge of aſſize, that ſuch proportion of road is at that time in ſufficient order and repair, until ſuch affidavit allowed and paſſed by the then grand jury and judge of aſſize.

17 & 18 G. 3. c. 22. ſ. 8. grand juries for Antrim may

CCCCXII. *ſect.* 3. Whereas by an act ſeventeenth and eighteenth of his Majeſty, grand juries of county of Antrim are impowered to preſent, not exceeding

exceeding two pence halfpenny by perch of road, for repair of which a contract entered into, and ſaid ſum has been found inſufficient: it ſhall be lawful for grand juries of county of Antrim at aſſizes, if they judge proper, and not otherwiſe, to enter into any contract for keeping any part of publick roads in repair in manner preſcribed by this act; provided the ſame ſhall not exceed nine pence by the year each perch plantation meaſure ſo kept in repair, and ſo for a greater or leſſer proportion.

contract for repair of roads as herein preſcribed not exceeding 9d. per ann. per perch plantation meaſure.

CCCCXIII. *ſect.* 4. Nothing herein ſhall extend to county or county of city of Dublin.

Not to extend to Dublin county or city.

CCCCXIV. *Stat.* 19 & 20 *Geo.* 3. *cap.* 22. *ſect.* 1. Whereas by an act thirteenth and fourteenth of his Majeſty, *for amending publick roads*, an act fifth of his Majeſty, *for more effectually amending publick roads*, and every clauſe therein, except for repealing acts therein mentioned, and except ſuch part as relates to the county of Dublin, was repealed: and whereas a clauſe in ſaid act for enabling perſons who have any ferry, to erect and ſupport a bridge at their own expence, over ſuch river in place of ſuch ferry and to take ſuch toll and no more as entitled to for paſſing ſuch ferry, was by miſtake repealed; and it is expedient to revive and continue ſaid clauſe: after firſt Auguſt one thouſand ſeven hundred and eighty ſuch part of ſaid act, as repeals the ſaid clauſe, ſhall be hereby repealed and made null and void.

Such part of 13 & 14 G. 3. c. 32. as repeals 5 G. 3. c. 14. ſ. 17. is hereby repealed.

CCCCXV. *ſect.* 2. And ſaid clauſe ſhall be revived and continue in full force, any thing in ſaid act thirteenth and fourteenth of his Majeſty to contrary notwithſtanding.

Said clauſe revived, notwithſtanding 13 & 14 G. 3. c. 32.

CCCCXVI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 43. *ſect.* 1. The truſtees, and thoſe who ſhall be appointed by virtue of the recited acts and of this act, ſhall be truſtees for ſurveying, altering, and repairing the road from Dublin to Navan, and for that road only, and not for the road from Navan to Kells or Nobber, and ſhall not have power to erect, or to authorize any to erect turnpikes, toll houſes, or gates on any croſs road on either of ſaid roads from Navan to Kells, or Nobber, and ſhall not take the tolls or duties in the ſaid act, or any toll upon any part of ſaid road from Navan to Kells, or Nobber; and ſaid recited acts, and each of them, and all powers therein, ſo far as they relate to the road from Navan to Kells, and to Nobber, are hereby repealed.

Recital of 3 G. 2. c. 19. 7 G. 2. c. 22. 15 & 16 G. 3. c. 37. 17 & 18 G. 3. c. 37. the truſtees by ſaid acts and this act ſhall be truſtees only for the road from Dublin to Navan, and not from Navan to Kells or Nobber, ſo far as they relate, to which ſaid acts repealed.

CCCCXVII. *ſect.* 2. The recited acts, and all authorities, powers, rules, penalties, clauſes, and conditions therein (except hereby altered) ſo far as the ſame relate to the road from Dublin through Stoneybatter, Caſtleknock, Clonee, Dunſaghlin, Hill of Tarra, to Navan, ſhall be of full force and effect, and continue and be executed from the end of this ſeſſion during the further term of thirty-one years, and from thence to the end of the then next ſeſſion, for the purpoſes in ſaid recited acts, and of thoſe herein after; and ſaid acts, and all the powers therein, ſhall from firſt Auguſt one thouſand ſeven hundred and eighty, extend to repairing ſaid road from Dublin to Navan, and no other, as if herein repeated.

Said recited acts (ſave as altered) ſo far as relating to the road from Dublin to Navan, continued 31 years, and to end of then next ſeſſion, and from 1ſt Aug. 1780, ſhall extend to repairing road from Dublin to Navan, and no other.

CCCCXVIIII. *ſect.* 3. Perſons appointed by virtue of ſaid recited acts, and perſons from time to time elected truſtees in room of thoſe who died or were removed, and perſons herein named, ſhall be the truſtees for putting ſaid recited acts and this act into execution, with the like power of electing truſtees upon the ſame occaſions and events during this act, as is given to the truſtees

Perſons appointed and elected by virtue of ſaid acts, and herein named ſhall be truſtees with like powers to elect occaſionally,

7 preſent.

tees in the recited acts; provided that at every election there be ſeven or more attending truſtees, or otherwiſe void.

7 truſtees may erect turnpikes, and take toll inſtead of the former,

CCCCXIX. *ſect.* 4. It ſhall be lawful for ſaid truſtees, or any ſeven, or ſuch as they appoint, to erect gates or turnpikes, upon any parts of ſaid roads between Dublin to Navan, and toll houſes, and on the ſide acroſs any way leading out of ſaid road, and there during ſaid former and this act, inſtead of tolls hitherto paid, ſhall take the tolls and duties following; for every coach, berlin, chariot, chaiſe, or chair drawn by ſix horſes, geldings, mares or mules, one ſhilling and ſix pence; by four, one ſhilling; by two, ſix pence half penny; every waggon, wain, cart, or carriage with four wheels, with two or more, five ſhillings; with two wheels, drawn by two, ſix pence; with two wheels drawn by three or more, two ſhillings and ſix pence: for every chaiſe or chair, or capriole drawn by one, four pence; cart with one, with one pair of wheels, two pence; every car with one, three half-pence; every horſe, gelding, mare, mule, or aſs, laden or unladen, one penny; every drove of oxen, cows, bulls or bullocks, one ſhilling and four pence per ſcore, and ſo in proportion; of calves, hogs, ſheep, or lambs, eight pence by ſcore, and ſo in proportion; every carriage whereon any miltone borne or carried, two ſhillings; and two or more cars bound together, carrying timber or otherwiſe, with two or more horſes, geldings, mares, or mules, to pay three ſhillings; and every car with Kilkenny coals, not having wheels of breadth of three inches, to pay as any other car, notwithſtanding any exemption or privilege in any of ſaid recited acts; and in caſe the wheels of ſuch cars carrying Kilkenny coals ſhall be of the breadth above required all ſuch to paſs free upon any part of ſaid road.

the toll.

Said tolls veſted in ſaid truſtees, ſubject to 11000l. thereabout formerly borrowed and ſtill due, and intereſt, and ſums to be borrowed, and expences, and applied to uſes herein and in ſaid acts.

CCCCXX. *ſect.* 5. The ſaid ſums ſhall be taken as tolls, and the money thereby collected ſhall be veſted in ſaid truſtees, ſubject to payment of money heretofore borrowed upon credit of ſaid road and ſtill due, amounting to eleven thouſand pounds or thereabouts, with intereſt thereon now or hereafter to grow due, and ſubject to any future ſum that ſhall be borrowed by ſaid truſtees for the uſes of and towards repairing ſaid road and neceſſary expences attending the ſame; and ſaid tolls and every part ſhall be paid, applied, diſpoſed of, and aſſigned to and for the uſes and purpoſes, and in ſuch manner, as herein and in ſaid recited acts directed.

7 truſtees may on refuſal levy by diſtreſs and ſale in 4 days.

CCCCXXI. *ſect.* 6. Said truſtees, or any ſeven, impowered to levy the tolls upon any, who after demand neglect or refuſe to pay, by diſtreſs of cattle or goods upon which impoſed, or upon any goods or chattles of perſons who ought to pay, and may retain until ſuch toll with reaſonable charges paid; and after four days after ſuch diſtreſs to ſell, returning overplus, if any, upon demand, to owners after ſuch toll and charges paid.

Expences of this act firſt paid, then to repair of the road and expences, then to intereſt of ſaid 11000l. then to each creditor without preference to diſcharge intereſt at 6 per cent.

CCCCXXII. *ſect.* 7. Out of the tolls collected all expences in procuring this act ſhall be firſt diſcharged, and then the profits ſhall be applied towards effectual repairs of ſaid road, and neceſſary expences, then to the intereſt of ſaid eleven thouſand pounds, and all arrears thereof, and then and not ſooner, the profits by ſaid toll, and all ſuch ſums as ſhall be hereafter borrowed upon credit of ſaid tolls, ſhall be diſtributed and paid impartially, and without preference to each creditor towards diſcharge of intereſt proportionably to principal lent, not to exceed the rate of ſix pounds ſterling by the hundred.

Divided into northern and ſouthern.

CCCCXXIII. *ſect.* 8. Said road from Dublin to Navan ſhall be divided into two parts; ſo much as reaches from Stoneybatter to the Blackbull-inn, ſhall be

be diſtinguiſhed by the ſouthern diviſion, and from the Blackbull-inn to Navan, the northern.

CCCCXXIV. *ſect.* 9. Whereas there is a proviſoe in the act third George the ſecond, that no perſon, who paid toll at the firſt turnpike, ſhould be liable at any other, who ſhould deliver the ticket at the latter; the ſaid clauſe repealed, and declared void. 3 G. 2. c. 19. s. 10. repealed.

CCCCXXV. *ſect.* 10. Every perſon ſhall pay the tolls at the firſt gate he ſhall paſs through in one of ſaid diviſions; and if he the ſame day travel more of ſaid road, than is in one of ſaid diviſions, ſhall pay twice in the ſame day; it being the meaning, that payment on the ſouthern diviſion ſhall not be an exemption from payment in the northern, and on the northern not an exemption in the ſouthern. Payment at firſt gate, and twice in the day, if more than in one diviſion paſſed over.

CCCCXXVI. *ſect.* 11. No perſons ſhall be obliged to pay any of ſaid tolls more than once the ſame day within any one of ſaid diviſions, on producing a ticket thereof, which ticket the receivers at any of ſaid gates are to give gratis. But once a day, in one diviſion, tickets given gratis.

CCCCXXVII. *ſect.* 12. Perſons, who prevent any ſeven or more truſtees, or their ſurveyors, from entering upon grounds as deſcribed, and therein to raiſe and carry away any materials for purpoſes and under the conditions mentioned, ſhall forfeit twenty pounds, levied by diſtreſs or ſale of goods of offender, or of owner or occupier of ſuch ground, by warrant of two juſtices for the county, upon conviction on oaths of ſeven truſtees or their ſurveyors. Refuſing entrance to miſe and carry away materials, as by 3 G. 2. c. 19. s. 6. forfeit 20l.

CCCCXXVIII. *ſect.* 13. It ſhall be lawful for ſurveyors and ſuch as they or truſtees appoint from time to time to inſpect the progreſs of the river from Blackbull bridge to Mullhuddard, and to enter upon lands through which ſaid river runs, and when obſtructed, or the bank broken or likely to fail, or the bed or ſides choaked, to give notice in writing to owners or occupiers to cleanſe and ſcour, and to repair, renew, and amend the banks within twenty one days after ſervice of notice; and in caſe any ſhall neglect, it ſhall be lawful for ſaid ſurveyors, or ſuch as they or truſtees appoint, to enter and cleanſe and ſcour ſuch part of ſaid river, and repair, renew, and amend the banks; and upon an affidavit before any juſtice of the county of the amount of charges for doing the ſame, by warrant of ſuch juſtice to levy by diſtreſs and ſale of goods of ſuch owner or occupier the full amount of ſuch charges. Power to inſpect the river from Blackbull to Mulhuddard, to enter lands, and give owners and occupiers notice in 21 days to cleanſe the river and repair banks, and on neglect cauſe the ſame to be doue and upon affidavit levy the expence by a juſtice's warrant.

CCCCXXIX. *ſect.* 14. If any lay any turf or other annoyances upon the ſides or any part of ſaid road, or ſcrape any gravel or rubbiſh off, or lay ſtraw to make manure, every ſuch perſon, and owners or occupiers of land adjoining, ſhall upon conviction by oath of one credible witneſs before one juſtice for the county forfeit forty ſhillings, levied by diſtreſs and ſale of goods of ſuch offender, or owner or occupier of land, by warrant of ſuch juſtice, to be paid to the ſurveyors; provided owners or occupiers of lands adjoining ſaid road, on which any turf, filth, ſtones, or timber laid, ſhall not effectually remove the ſame within ten days after notice by ſurveyor or written order from ſeven truſtees. Laying annoyance on the road, offender and owners or occupiers of land adjoining, ſcraping off gravel, or laying ſtraw for dung 40s. if annoyance not removed in 10 days after notice.

CCCCXXX. *ſect.* 15. If any build houſe or cottage, or begin to build, within thirty feet of the centre, it ſhall be lawful for two or more juſtices for ſuch county by warrant to order to be pulled down; and every perſon building or beginning ſhall alſo forfeit forty ſhillings, levied as other penalties herein. Building within 30 feet of centre, pulled down on a juſtices warrant, and 40s. forfeited.

Damaging turnpike, &c. or obſtructing the erection, 20l. if no diſtreſs impriſoned not above 6 nor under 3 months.

CCCCXXXI. *ſect.* 16. If any wilfully or maliciouſly deſtroy, break, pull down, or damage any gate, turnpike, or toll houſe, or obſtruct any ſuch to be erected, or obſtruct any ſurveyor, collector, or perſon employed, convicted by oath of one or more credible witneſſes before one or more juſtices for the county, ſhall forfeit twenty pounds by diſtreſs and ſale of goods and chattles by warrant of the juſtice; and in caſe the perſons ſo convicted have no goods or chattles, it ſhall be lawful for ſaid juſtices to commit to priſon in the county where offence committed, not exceeding ſix months, nor leſs than three.

To meet at Navan, may adjourn, 20 days notice, clerk to appoint meeting, truſtees to bear their charges.

CCCCXXXII. *ſect.* 17. Said truſtees or any ſeven ſhall meet at Navan, and may adjourn and meet there, or other place near ſaid road as they think proper, as often as neceſſary; provided twenty days notice of every meeting and the occaſion be poſted as the law requires; the clerk or regiſter of the ſaid truſtees, by notice in writing affixed at the turnpikes ten days before, ſhall appoint truſtees to meet at the houſe where laſt appointed on that day fortnight; the truſtees at all meetings ſhall defray their own charges.

Actions laid only in county of Dublin or Meath, defendants may plead general iſſue, &c. and recover treble coſts.

CCCCLXXXIII. *ſect.* 18. If any ſuit for any thing done in purſuance of ſaid acts, or of this, the action ſhall be laid in the county of Dublin or Meath, and not elſewhere; and defendants may plead general iſſue, and give the ſpecial matter in evidence; and if plaintiff nonſuited or diſcontinue, or if upon demurrer judgment againſt plaintiffs, defendants ſhall recover treble coſts.

A publick act.

CCCCXXXIV. *ſect.* 19. This act ſhall be deemed a publick act, and judicially taken notice as ſuch by all judges, juſtices, and other perſons, without eſpecially pleading.

From 1 Auguſt 1780 former tolls to ceaſe.

CCCCXXXV. *ſect.* 20. After firſt Auguſt one thouſand ſeven hundred and eighty the tolls and duties by ſaid acts ſhall ceaſe, and the tolls and duties hereby impoſed, thenceforth payable in their ſtead.

Tolls hereby, &c. continued 31 years from 1ſt Aug. 1780.

CCCCXXXVI. *ſect.* 21. The tolls and duties hereby, and all other proviſions and regulations in ſaid act (except as hereby altered) and in this act, ſhall have continuance from firſt Auguſt, one thouſand, ſeven hundred and eighty, thirty one years and no longer.

Application of tolls.

CCCCXXXVII. *ſect.* 22. The tolls and duties hereby ſhall be applied firſt to repairs of ſaid road from Dublin to Navan, and no other, and to uſual expences of collecting ſaid tolls, and to no other uſe whatſoever, until ſaid truſtees or any thirteen or more certify under their hands, that ſaid roads have been ſufficiently repaired, and thenceforth, and not ſooner, to purpoſes in ſaid former acts and in this.

Tolls to ceaſe, if adjudged by truſtees ſufficiently repaired, and loan repaid with intereſt and coſts.

CCCCXXXVIII. *ſect.* 23. If before expiration of thirty one years all parts of ſaid road ſufficiently repaired, and ſo adjudged by majority of truſtees, and if repayment made of all money borrowed on credit of ſaid tolls with intereſt, and all coſts and charges paid, ſaid tolls and duties ſhall ceaſe.

No toll over Clonee bridge, if not touching on other part of the line.

CCCCXXXIX. *ſect.* 24. No perſon ſhall be ſubject to pay any toll for cattle or carriage over the bridge of Clonee, if ſuch ſhall not touch on any other part of the line of road between Dublin and Navan.

Meetings for farming toll held at the admiralty, for ordering money, repairs or expenditure, alternately at Navan and Dublin.

CCCCXL. *ſect.* 25. Meetings of truſtees for letting the tolls ſhall be holden at the admiralty court, or within Dublin, and not elſewhere; and for preſenting or ordering money for directing any repairs or expenditure on any part alternately at Navan and Dublin.

CCCCXLI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 44. *ſect.* 1. Whereas notwithſtanding regulations in ſaid act frauds and neglects have taken place in expenditure of publick money: no money ſhall be preſented by grand jury of county of Dublin for making, widening, or repairing any road or building, or repairing any bridge, arch, gullet, or pipe, unleſs the affidavits, whereon ſuch preſentments grounded, ſhall be depoſited with the ſecretary of grand jury on or before the ſecond day of ſuch term.

Frauds and neglects notwithſtanding 13 & 14 G. 3. c. 34. no preſentment for county of Dublin for road, bridge, &c. unleſs the affidavit depoſited by 2d day of the term.

CCCCXLII. *ſect.* 2. Inſtead of the affidavit appointed by ſaid act to be ſworn and laid before grand jury, before any money preſented for repairing any road, the following affidavit ſhall be ſworn before any juſtice of peace of the county, and laid before ſaid grand jury;

Affidavit before preſentment for repair of road, ſworn before a juſtice of the county, and laid before grand jury, inſtead of the affidavit in 13 & 14 G. 3. c. 34. ſ. 4.

County of Dublin. } A. B. *of* —— *and* C. D. *of* —— *do ſeverally each for himſelf ſwear, that he holds, occupies, and is liable to pay ceſs for ten acres of land in the barony of* —— *in the ſaid county; and that they have lately meaſured* —— *perches of the road directly leading from* —— *to* —— *which ſaid* —— *perches lie between* —— *and* —— *all in the ſaid barony; and that the greater part of the ſaid* —— *perches are about* —— *perches diſtant from the gravel or quarry, moſt proper and effectual in their opinion to repair the ſame with, and that it will require the ſum of* —— *to repair the ſaid* —— *perches* —— *feet wide, with gravel or ſmall ſtones, being at the rate of* —— *by the perch, which they verily believe is the leaſt ſaid* —— *perches can be effectually repaired for.*

and inſtead of the affidavit by ſaid act by the acting overſeer for accounting for expenditure, the following affidavit, with an account in following form, ſhall be ſworn before one of the judges of king's bench, and allowed by the grand jury and ſaid court, before any money be paid on account of any preſentment.

Inſtead of acting overſeer's affidavit in 13 & 14 G. 3. c. 34. ſ. 4. the following with an account ſhall be ſworn before a judge of B. R. and allowed before any payment.

County of Dublin, } *Whereas the ſum of* —— *was preſented at* —— *term, in the year* —— *for ſaid county, to be expended in repairing and making* —— *feet wide with gravel or ſmall ſtones* —— *perches of the road directly leading from* —— *to* —— *which ſaid* —— *perches lie between* —— *and* —— *all in the barony of* —— *in ſaid county, at the rate of* —— *by the perch: And whereas* A. B. *and* C. D. *were appointed overſeers of the ſame:* ——*Now I the ſaid* A. B. *of* —— *do ſwear, that the annexed account is true in every particular, and that I have expended faithfully and honeſtly the ſum of* —— *in repairing effectually the ſaid* —— *perches purſuant to the preſentment, which ſum, with my wages at* —— *pence per pound, makes in the whole the ſum of* —— *and that every part of the ſaid* —— *perches is twenty one feet wide at the leaſt in the clear, paſſable with wheel carriages, within the ditches, drains, gripes, or fences, and is made ſixteen feet wide with gravel or ſtones at the leaſt, and that all the ſaid repair was made between the twenty fifth day of February and the twenty fifth day of October in the year* —— *and that the ſtrakes of the wheels of every cart, car, or other carriage employed in the ſaid work, were at that time three inches broad from ſide to ſide on the ſole, and were ſet on with counter ſunk low headed nails or ſcrews, and to the beſt of my judgment every load drawn was at the leaſt five hundred weight.*

The breadth agreeable to presentment described in the affidavit.

Provided in case the grand jury shall, pursuant to powers they now have by law, or herein after given, present any road to be gravelled to greater width than sixteen feet, or made wider than twenty one, the words sixteen and twenty one be omitted in the foregoing affidavit, and the breadth agreeable to such presentment be described.

Form of the account.

An account of ——— *pounds presented at* ——— *to be expended in repairing* ——— *perches of the road from* ——— *to* ——— *between* ——— *and*

A. B. *and* C. D. *overseers.*

E. F. *Overseers of the work, at twelve pence in the pound, on the sum of* ———

G. H.	*days*	*per day*	———	———
I. K.	*days*	*per day*	———	———
L. M.	*days*	*per day*	———	———
Cars	*days each,*	*per day*	———	———
One horse carts	*days each,*	*per day*		———
Two horse carts drew	*loads each,*	*per load*		—
One horse carts drew	*loads each,*	*per load*		———
Cars drew	*loads each,*	*per load*	———	———
Smiths for sharpening pick axes			———	———
		Total	———	*£.* ———

Penalty of riding or driving on foot-path recovered before a justice of the county, having freehold therein or not.

CCCCXLIII. *sect.* 10. The penalty by said act against any riding or driving any horse, beast, or cattle on any foot path, may be recovered before any justice for said county, whether he hath an estate of freehold therein or not.

Powers to present for foot paths by 13 & 14 G. 3. c. 34. s. 20. extended to county bounds on great roads to Dublin.

CCCCXLIV. *sect.* 15. Whereas by thirteenth and fourteenth of his Majesty grand juries of county of Dublin in Easter and Michaelmas term are impowered to present foot paths within five miles of Dublin; said power extended to presenting for foot paths on turnpike and other great roads leading directly to Dublin, as far as bounds of said county.

Recital 13 & 14 G. 3. c. 34. s. 5. grand jury may present not exceeding 15l. on affidavit of expended by overseer in keeping in repair 600 perches within 6 miles of the castle.

CCCCXLV. *sect.* 19. Whereas the clause in the recited act for amending roads in county of Dublin, empowering grand jury to appoint an overseer to keep in repair, and free from nuisances perches not exceeding six hundred, and present not exceeding seven pounds ten shillings, has been found of great utility and a saving, though not sufficient fully to answer the end; the grand jury at Easter or Michaelmas may present not exceeding fifteen pounds, which shall appear by affidavit to grand jury and King's bench to have been expended by such overseer in keeping in repair six hundred perches of any such road within six miles of castle of Dublin.

Quakers may affirm instead of oath,

for swearing or false affirming, punished as wilful perjury.

CCCCXLVI. *sect.* 24. It shall be lawful for quakers to make affirmation instead of oaths and affidavits required by this and said act, which shall express, as nearly as possible, *mutatis mutandis*, the same words as the oaths and affidavits; and if any, who take oath, or make affirmation, in consequence of this and said former acts, forswear, and guilty of wilful and corrupt perjury, or false affirmation, and thereof convicted by due course of law, they

they ſhall ſuffer the pains and penalties enacted againſt wilful and corrupt perjury.

CCCCXLVII. *ſect.* 26. This act deemed a publick act, and judicially taken notice of as ſuch without ſpecially pleading, and ſhall have continuance from firſt day of next Michaelmas term after paſſing of this act inclusive, until the twenty ſecond June one thouſand eight hundred and nineteen, and no longer.

A publick act, continued from 1st of next Michaelmas term to 22d June 1819.

CCCCXLVIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 45. *ſect.* 1. Truſtees of ſaid road, or any five, or ſuch perſons as they appoint, ſhall after firſt Auguſt one thouſand ſeven hundred and eighty, erect gates or turnpikes upon any part or parts of ſaid highway, made or to be made, and toll houſes, and take tolls and duties following; for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes or mules, two ſhillings; by four, one ſhilling and ſix pence; by two horſes, aſſes, or mules, one ſhilling; for every waggon, wain, cart, or carriage with two wheels, drawn by three or more, three ſhillings; by two, ſix pence; every chair or chaiſe, or capriole, drawn by one, ſix pence; for every cart, car, or carriage having but one beaſt of draft, two pence, except cars or carriages laden with turf only, and drawn by one, which are excepted from any of ſaid tolls; for every horſe, mule, or aſs, with any perſon riding, two pence; not drawing or having perſon riding, three halfpence; every drove or ſcore of oxen, cows, or neat cattle, two ſhillings and ſix pence, and ſo in proportion; of calves, hogs, ſheep, goats, or lambs, one ſhilling and three pence by the ſcore, and ſo in proportion; every carriage whereon borne any millſtone, two ſhillings and ſix pence; and the money ſo raiſed ſhall be veſted in ſaid truſtees, and applied to uſes herein after; and truſtees, or any five, are empowered, or perſons by them under hands and ſeals authorized, to levy the toll upon any who after demand neglect or refuſe to pay, by diſtreſs of any cattle or goods upon which impoſed, or any goods and chattles of ſuch perſons, and may detain until ſuch toll, with reaſonable charges of diſtraining and keeping paid; and it ſhall be lawful after five days to ſell the goods diſtrained, returning overplus upon demand.

Truſtees nominated, 5 may erect turnpikes and toll houſes, and take toll herein, the toll, veſted in ſaid truſtees, applied to uſes herein, on neglect or refuſal levied by diſtreſs and ſale in 5 days.

CCCCXLIX. *ſect.* 2. Out of the firſt monies ariſing ſaid truſtees, or any five, ſhall diſcharge expence of erecting turnpikes and toll houſes, and then the profits ſhall be applied towards repair of ſaid road, beginning at Clonmell, and ſo to Callan: and after thoſe purpoſes completed, the produce ſhall be paid impartially, and without preference to perſons, who lend on credit of ſaid tolls.

First to pay expence of erecting turnpikes, &c. then to repair the road from Clonmell to Callan, then to creditors without preference.

CCCCL. *ſect.* 3. That if any whatſoever owning land near turnpike, permit to paſs through any way to avoid the toll, and convicted upon oath of one or more witneſſes before ſaid truſtees, or any five, or one or more juſtices for the county wherein offence committed, ſuch perſons ſhall forfeit to the truſtees, ten ſhillings, by diſtreſs and ſale, by warrant under hand and ſeal of ſaid truſtees or juſtices, rendering overplus to owner.

Permitting paſſage to avoid toll, on oath before 5 truſtees or 1 or more juſtices forfeit 10s. by diſtreſs and ſale.

CCCCLI. *ſect.* 4. It ſhall be lawful for truſtees, or any five, to erect turnpikes on the ſide of the highway acroſs any way leading out of ſaid road, and there to receive and take ſuch toll, ſo as not a double charge.

Side gates erected, ſo as no double charge.

CCCCLII. *ſect.* 5. Truſtees or any five at meetings under their hands and ſeals, ſhall elect fit collectors and ſurveyors, and remove as they ſee occaſion, and appoint in caſe of death or removal; and ſuch receivers, collectors,

At meeting appoint and remove receivers and ſurveyors,

to account on oath 1ſt Tueſday monthly, or oftener if required, before 5, or juſtices reſiding near.

lectors, or ſurveyors ſhall upon oath before ſaid truſtees, or any five, or one or more juſtices reſiding near, on the firſt Tueſday in every month, or oftner if required, give a true account, under their hands, of all monies received and diſburſed, for which oath no fee ſhall be taken; and in caſe any money remain in their hands, the ſame ſhall be paid to ſaid truſtees, or any five, or to ſuch as ſaid truſtees under hands and ſeals authorize, which ſhall be laid out in amending ſaid highway, and for other purpoſes herein, and not otherwiſe; and truſtees, to whom ſuch account given, ſhall make ſuch allowance to receivers or collectors, and perſons procuring ſaid highway to be made, amended, and repaired, by advancing or laying out money, or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance to collectors do not annually exceed twenty pounds, and to ſurveyors, not exceeding two ſhillings per day during ſuch times as employed in repair, and ſo as allowance to any other employed, does not exceed fifteen pounds yearly, to each perſon; and in caſe receivers, collectors, or ſurveyors ſhall not make ſuch account or payment, ſaid truſtees, or any five, ſhall forthwith remove, and the juſtices at any ſpecial ſeſſion or meeting for the county, in which ſuch have been employed, and made default, ſhall make enquiry, and finally to determine of ſuch default, as well by confeſſion, as by one or more credible witneſſes upon oath, without fee or reward; and ſaid juſtices ſhall, upon conviction, commit to the common gaol of the county, where offence committed, without bail or mainprize, until a true and perfect account and payment.

ſurplus paid to truſtees, or as by them authorized,
and diſburſed for purpoſes herein,
allowance to receivers not above 20l. annually,
to ſurveyors 2s. a day during employment,
to others employed not above 15l. yearly each,
on default of ſuch account or payment removed,
default enquired and determined at ſeſſions,
on conviction impriſoned till account and payment.

CCCCLIII. *ſect.* 6. It ſhall be lawful for ſurveyors, and ſuch as they appoint, to raiſe and carry away materials out of waſte or common of any pariſh, town, village, or hamlet, in or near which any foundations or ruinous places of ſaid highway lie, and for want of ſufficient there, out of waſte or common of any neighbouring, without paying for the ſame; and where not ſufficient in common or waſte grounds near, by order of truſtees, or any five, in writing, to raiſe in grounds of any perſons not built upon, a park, garden, orchard, yard, or meadow, planted walk, or avenue to a houſe where any ſuch materials are, and to carry away ſuch as ſurveyors adjudge neceſſary for amending and repairing ſaid highway, paying ſuch rates to owner or occupier as the truſtees adjudge reaſonable; and in caſe any difference ariſe, the judge at next general aſſizes ſhall aſſeſs and finally determine the ſame.

Materials raiſed in adjoining waſte or common without paying,
if not ſufficient, in any grounds not built on, or park, &c. by order of 5 truſtees,
paying as by truſtees adjudged,
difference as to the damage determined at aſſizes.

CCCCLIV. *ſect.* 7. It ſhall be lawful for ſurveyors, and ſuch as they appoint, to remove and prevent any annoyance, and to cleanſe any ditch or water-courſe adjoining, and to cut down, lop, or top trees or buſhes on ſaid highway, or in hedges or banks immediately adjoining, and to remove the ſame, the owner or occupier neglecting ten days after notice under hands of five truſtees, the charges reimburſed by ſuch owners or occupiers neglecting; if after removal any perſons again offend, being convicted upon oath of one or more witneſſes before one or more juſtices, ſhall, for every offence forfeit unto ſaid truſtees, where ſuch offence committed, ten ſhillings, levied in manner aforeſaid.

Surveyors may remove annoyances,
on owners neglect 10 days after written notice by 5 truſtees,
charges reimburſed,
on conviction of 2d offence on oath before a juſtice, 10s. forfeited to the truſtees.

CCCCLV. *ſect.* 8. It ſhall be lawful for ſurveyors by order of truſtees to make drains through any grounds contiguous, and erect arches thereupon, and widen narrow parts, ſuch ground to be uſed, not being built upon, and not a park, garden, orchard, yard, planted walk, or avenue to a houſe, and to cauſe

Drains made and arches erected, and the road widened,
the ground not being park, &c.

cauſe trenches to be made, as ſaid truſtees, or any five, adjudge neceſſary, making reaſonable ſatisfaction to owner or occupier for the damages as aſſeſſed by judge of aſſize next after, or by juſtices of peace at next general aſſizes or quarter ſeſſions for the county in caſe of any difference, which ſaid judges or juſtices are to hear and determine in a ſummary way; and if owner or occupier of water-courſes or ditches adjoining, neglect to ſcour or cleanſe, and to make ſo deep, and in ſuch manner, as ſurveyors adjudge convenient, after eight days notice, it ſhall be lawful for ſurveyors to ſcour or make the ſame, and by warrant under hands and ſeals of five truſtees to levy the charge upon goods or eſtates of the owners or occupiers by diſtreſs and ſale.

and neceſſary trenches made, on reaſonable ſatisfaction, if any difference, determined ſummarily at aſſizes or ſeſſions, water-courſes cleanſed, and ditches made convenient, owner or occupier neglecting after 8 days notice, the charge levied by diſtreſs and ſale.

CCCCLVI. *ſect.* 9. It ſhall be lawful for owner or occupier to complain to next quarter ſeſſions for the county, giving eight days notice to ſaid ſurveyor, which court ſhall give ſuch relief as juſt; and if ſuch cauſe of complaint happen within fourteen days before ſuch ſeſſions, in like mannner to make complaint at the ſecond after the cauſe ſhall ariſe.

Owner or occupier may complain to next ſeſſions on 8 days notice to ſurveyor, or to the 2d, if cauſe of complaint 14 days before the next.

CCCCLVII. *ſect.* 10. It ſhall be lawful for truſtees, or any five, to aſcertain and ſet apart ſuch proportion of lands adjoining, as they judge neceſſary for carrying the ſame in a more direct line from Mullinahone to Clonmell: Provided no part of the lands to be ſet apart be built on, and not part of any garden, orchard, yard, planted walk, or avenue to a houſe, or of any park or paddock for deer, or field encloſed with a ſtone wall five feet high, made with lime and ſand; and ſaid truſtees are empowered to treat and agree with owners or others intereſted for ſuch recompence out of the tolls, as truſtees, or any five think fit; and in caſe any neglect or refuſe, or through diſability cannot or otherwiſe refuſe to diſpoſe of their intereſts in ſuch lands for ſhortening ſaid road, truſtees, or any five, are empowered to iſſue warrants to ſheriffs to impanel and return before ſaid truſtees, at time and place within the county as appointed (of which notice is to be given to the party, at leaſt five days before) a ſufficient jury, who ſhall enquire into the true and real value of ſuch ground, and ſuch verdicts ſhall be final and concluſive, as well to truſtees as to owners, notwithſtanding any diſability or incapacity.

The road may be carried in more direct line from Mullinahone to Clonmell, the land ſet apart by truſteees not being built on, or garden, &c. truſtees may treat with owners for recompence, on refuſal or diſability may iſſue warrants to ſheriffs to return a jury to enquire the value, 5 days notice of hearing, verdict final to truſtees and owners notwithſtanding any incapacity.

CCCCLVIII. *ſect.* 11. It ſhall be lawful for grand juries of Kilkenny and Tipperary to preſent any money from time to time towards making or repairing any parts of ſaid road, or building any bridge, or payment of any ground neceſſary for making or widening, or ſhortening, or any expences attending; and ſums ſo preſented ſhall be repaid by ſaid truſtees out of the tolls; which ſums repaid ſhall be credited by ſucceeding grand jury to the barony, or the county at large, in caſe of the future preſentment in ſaid barony or county.

Grand juries may preſent for making or repairing, or for any bridge or payment of ground or expences, preſentment repaid by truſtees out of the tolls.

CCCCLIX. *ſect.* 12. In caſe ſaid grand juries or either ſhall not make ſuch preſentment at either of the two next aſſizes, then, and not otherwiſe, ſaid truſtees, or any five, ſhall from time to time, under their hands and ſeals aſſign over ſaid toll, or any part, the charges whereof are to be paid out of ſuch toll, for any term during this act, as a ſecurity for money by them borrowed for that purpoſe, with lawful intereſt, or leſs, if the ſame can be ſo had; which money ſhall be applied and diſpoſed of towards purpoſes by this act.

If ſaid grand juries do not preſent at either of 2 next aſſizes, 5 truſtees may aſſign the toll as ſecurity for money borrowed.

CCCCLX. *ſect.* 13. It ſhall be lawful for ſaid truſtees, or any nine or more, to make out orders under their hands to treaſurer or receiver of ſaid tolls,

Nine truſtees may iſſue order to pay

out of the tolls the growing intereſt, no order above 50l.

tolls, to pay perſons named, their executors, adminiſtrators, and aſſigns, the growing intereſt of the ſum in ſuch order, until the principal diſcharged at one entire payment, or otherwiſe: Provided no order be for greater ſum than fifty pounds.

Transferable by indorſement, on notice and entry,

CCCCLXI. *ſect.* 14. Perſons to whom ſuch order given, their executors or adminiſtrators, may by indorſements transfer the benefit; which indorſements upon notice to treaſurer or receiver of tolls, and memorial thereof in a book for that purpoſe, which ſaid treaſurer or receiver ſhall, upon requeſt, without charge, fee, or reward, make and permit to be viewed at reaſonable hours, ſhall entitle indorſee or aſſignee, executors, adminiſtrators, or aſſigns, to the ſole benefit; and ſaid order may in like manner be transferred by ſuch aſſignee, executors, or adminiſtrators, and ſo *toties quoties*; and it ſhall not be in the power of perſons who made ſuch aſſignment, to releaſe or diſcharge ſaid aſſignment, or the ſum transferred, or any part.

ſo toties, not after in power of aſſigner.

Numbered.

CCCCLXII. *ſect.* 15. The treaſurer or receiver ſhall arithmetically number all warrants or orders delivered out, commencing by number one, until the whole numbered.

After diſcharge of intereſt, and repair of the road, ſurplus of tolls, when 200l. applied to pay principal by drawing.

CCCCLXIII. *ſect.* 16. The tolls ſhall be applied to the purpoſes herein before, and alſo to intereſt of money borrowed, and the ſurplus above what ſufficient to diſcharge ſaid intereſt, and make and repair ſaid road, ſhall be applied in diſcharge of principal borrowed; as often as ſuch ſurplus ſhall amount to two hundred pounds, ſaid treaſurer or receiver ſhall cauſe the number of all orders iſſued, and ſums therein, to be written on ſeveral tickets, rolled and ſealed up, and put into a box or urn, and well mixed, and an indifferent perſon appointed by truſtees, or any five, ſhall publickly between ten and twelve of a day, advertiſed in Dublin Gazette, twenty days before, in Clonmell, draw out as many as the ſums therein ſhall amount to two hundred pounds, and the perſons, their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after ſaid orders ſo drawn, be paid the principal with intereſt, and ſhall deliver up their orders to be cancelled, and the intereſt ſhall ceaſe from twenty days from the day of drawing.

Truſtees may leaſe tolls, not above 2 years, the rent applied to ſame purpoſes.

CCCCLXIV. *ſect.* 17. It ſhall be lawful for truſtees, or any five, to make leaſes of ſaid tolls, not exceeding two years at higheſt rent offered by ſolvent tenant, which ſhall be applied to ſame purpoſes.

Advertiſed 1 month, meeting in Clonmell.

CCCCLXV. *ſect.* 18. Notice ſhall be given in Kilkenny and Clonmell newspapers of intention to ſet, and of the time, one month at leaſt previous, and ſuch meeting for ſetting ſhall be held in Clonmell.

7 parts laid out in Tipperary, 1 part in Kilkenny.

CCCCLXVI. *ſect.* 19. Seven parts of ſaid tolls or rents ſhall be laid out on the road in the county of Tipperary, and one part in eight to be divided on ſuch parts as lie in county of Kilkenny.

Places of meetings.

CCCCLXVII. *ſect.* 20. All meetings of truſtees ſhall be in Clonmell, Mullinahone, or Callan.

Producing ticket of payment at 1ſt gate not liable at any other, nor returning ſame day.

CCCCLXVIII. *ſect.* 21. No perſon having paid at the firſt turnpike and producing a ticket, ſhall be liable to pay at any other, delivering ſaid ticket at the latter, the ſame day; and no perſon, who ſhall return the ſame day with the ſame horſe, cattle, or carriage, ſhall be compellable to pay more than once in the ſame road.

Giver and receiver of ticket to avoid toll forfeit reſpectively 10s.

CCCCLXIX. *ſect.* 22. If any having paid toll, and having ſuch ticket, ſhall diſpoſe of the ſame to avoid payment, every perſon giving, or offering, and receiving, being convicted upon oath of one or more witneſſes before

truſtees

truſtees, or any five, or one or more juſtices, ſhall reſpectively forfeit ten ſhillings, to be recovered, and diſpoſed of as any other penalty by this act.

CCCCLXX. *ſect.* 23. Truſtees, or any five may, as they think fit, compound by the year or otherwiſe for any ſum quarterly. 5 truſtees may compound, payable quarterly.

CCCCLXXI. *ſect.* 24. No perſon ſhall be charged, who carry materials for ſaid road, or any roads in the pariſhes in which the ſame lie, or in any of the neighbouring pariſhes, nor loaden with corn in ſtraw only; nor for plows, harrows, or implements of huſbandry, in order to uſing or repairing of the ſame in the pariſhes which the ſaid highway or road hereby intended to be made or repaired do lie; nor for any cattle going to water, or for poſt horſe carrying the mail or packet, or for ſuch horſe as uſed only to ride on by driver of any waggon, cart, car, or carriage; provided ſuch horſe paſs through with ſuch carriage; nor for horſes of ſoldiers upon march, or for carriages attending them; nor for horſes or carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted. Exempt from toll.

CCCCLXXII. *ſect.* 25. The tolls ſhall take place and have continuance from 1ſt November, one thouſand ſeven hundred and eighty, during ſixty one years. Continued 61 years from 1ſt Nov. 1780.

CCCCLXXIII. *ſect.* 26. If before expiration of ſixty one years all parts ſufficiently made and repaired, and ſo adjudged by majority of truſtees, and after repayment of money borrowed, with intereſt, coſts and charges, ſaid tolls ſhall be decreaſed one half of their preſent amount, the reſerved moiety to be applied towards keeping up and preſerving ſaid road in repair. When made and repaired, toll decreaſed one half.

CCCCLXXIV. *ſect.* 27. It ſhall be lawful for truſtees, or any five, upon death of any, or removal, or declining to act, to elect another or ſo many more living in county of Tipperary or Kilkenny, to be joined in execution of powers by this act, and perſons ſo choſen are impowered to act in as ample manner, as ſaid truſtees are by this act, and ſo *toties quoties*. On vacancies, others choſen living in ſaid counties, with like powers.

CCCCLXXV. *ſect.* 28. The clerk and treaſurer ſhall fourteen days previous to firſt May in every year give notice by advertiſement in Dublin Gazette of a board in Clonmell on ſaid firſt of May, between eleven and three; at which ſaid truſtees or any nine ſhall examine accounts of ſaid turnpike, and produce books of receipts and payments, and all accounts relating to ſaid turnpike; at which board the creditors or their agents may regiſter their debentures, and ſettle accounts with clerk and treaſurer, and receive from truſtees ſuch intereſt or principal as the funds will enable to make. 14 days notice of board at Clonmell every 1ſt May. 9 truſtees to examine accounts, creditors may regiſter debentures, &c.

CCCCLXXVI. *ſect.* 29. Said truſtees, or fifteen or more, ſhall meet at Clonmell, and may adjourn and meet there or near ſaid highway, as any five think proper, as often as neceſſary for putting this act into execution; and if there ſhall not appear at meeting a ſufficient number to act, and adjourn, the clerk by notice affixed at the turnpikes ten days ſhall appoint truſtees to meet where laſt appointed, or other convenient houſe near ſaid road, on that day fortnight, and truſtees at all meetings ſhall defray their own expences. If not a number of truſtees to act & adjourn, the clerk to appoint meeting, bear their own expences.

CCCCLXXVII. *ſect.* 30. No truſtee ſhall accept of place of profit out of the toll, but ſhall be incapable from time of accepting and continuing to enjoy of acting as a truſtee. No truſtee to enjoy place of profit.

Actions laid in Tipperary or Kilkenny

defendants may plead general iſſue, &c.

and have treble coſts.

CCCCLXXVIII. *ſect.* 31. Suit for any thing in purſuance of this act ſhall be laid in county of Tipperary or Kilkenny, and not elſewhere; and defendants may plead general iſſue, and give this act and ſpecial matter in evidence; and if it appear ſo, or ſuch action brought in other county, the jury ſhall find for defendants; and upon ſuch verdict, or if plaintiff nonſuited, or diſcontinue after defendants appeared, or if on demurrer judgment againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy as any defendants in other caſes.

A publick act.

CCCCLXXIX. *ſect.* 32. This act ſhall be deemed a publick act, and judicially taken notice of by all without ſpecially pleading.

Continuance 61 years from 1 Nov. 1780.

CCCCLXXX. *ſect.* 33. Tolls hereby granted, and all other proviſions and regulations, ſhall take place and have continuance from firſt November one thouſand ſeven hundred and eighty, during ſixty one years, and no longer.

When made and repaired, &c. toll to ceaſe.

CCCCLXXXI. *ſect.* 34. If before expiration of ſixty-one years all parts of ſaid road ſufficiently repaired, and ſo adjudged by majority of truſtees, and re-payment made of money borrowed, with all intereſt, coſts, and charges, ſaid tolls ſhall ceaſe.

Perſons herein appointed ſhall be truſtees for the old turnpike.

CCCCLXXXII. *ſect.* 35. The perſons herein appointed ſhall be alſo truſtees for the old turnpike from Kilkenny to Clonmell through Callan and by Nine-mile houſe, and have full power to act in as full manner as the preſent truſtees have power to do.

Truſtees appointed.

CCCCLXXXIII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 46. *ſect.* 1. It ſhall be lawful for all privy council, and all members of parliament reſident in counties of Tipperary, Clare, Limerick, and Kerry reſpectively, who are hereby nominated truſtees of the road, and ſurvivors of them, as alſo for thoſe whom they or any ſeven authoriſe, to erect turnpikes upon any parts of ſaid highway,

7 may erect turnpikes, and take toll,

and alſo toll houſes, and take tolls and duties following: for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, one ſhilling and ſixpence; by any leſſer number than ſix, and more than two, one ſhilling; drawn by two, ſixpence; for every waggon, wain, cart, or carriage with four wheels, not drawing beams or groſs timber, ten pence; drawing beams or groſs timber, one ſhilling; with two wheels, drawn by more than two horſes or oxen, five ſhillings; cart or carriage drawn by two horſes, four pence; a chair or chaiſe with one horſe, four pence; car or carriage by one horſe, one penny, excepting cars loaden with turf, and for each of them one halfpenny; any horſe or cattle loaden with turf, not drawing, one halfpenny; every other horſe, mule, or aſs, loaden or unloaden, and not drawing, one penny; every drove of oxen, cows, or neat cattle, one ſhilling and eight pence per ſcore, and ſo in proportion; of calves, hogs, ſheep, or lambs, five pence per ſcore, and ſo in proportion; which ſums ſhall be demanded and taken as

the toll,

toll, and the money raiſed ſhall be veſted in ſaid truſtees, and applied to the uſes, and in manner as herein after directed; and ſaid truſtees, or any ſeven, are impowered, or perſons by them under hands and ſeals authorized, to levy the toll by diſtreſs of any cattle or goods upon which impoſed, or any goods and cattles of perſons who ought to pay, and may detain till ſuch toll with reaſonable charges paid; and after five days to ſell the goods diſtrained, returning overplus upon demand to owner.

toll veſted in truſtees,

applied to uſes herein,

levied by diſtreſs,

detained till payment with charges,

and ſale after 5 days.

CCCCLXXXIV. *ſect.*

CCCCLXXXIV. *sect.* 2. Out of the first money from profits of turnpikes said trustees, or any seven, shall pay the expence of procuring this act, and of erecting turnpikes or toll houses, and then shall be applied towards amending and repairing of said road only. Application of first money raised.

CCCCLXXXV. *sect.* 3. If any person owning, renting, or occupying lands near any turnpike shall permit any to pass through any way to avoid toll, and convicted upon oath of one or more witnesses before said trustees, or any seven, or one or more justices, such persons shall forfeit to the trustees ten shillings by distress and sale of goods by warrant under hands and seals of said trustees, or any seven, or such justices, rendering overplus to owner. Permitting passage to avoid toll, forfeit 10s.

CCCCLXXXVI. *sect.* 4. It shall be lawful for trustees, or any seven, to erect turnpikes on the side across any way leading out of said road, and to build toll houses, and take toll, so as not a double charge. Side gates erected, so as no double charge.

CCCCLXXXVII. *sect.* 5. Trustees, or any seven at meeting, under their hands and seals, shall elect treasurer and clerk, and receivers or collectors of such money in name of toll, and surveyors; and remove as they see occasion, and appoint new ones, in case of death or removal; and such receivers or collectors shall upon oath, if required by trustees, or any seven, or before one or more justices residing near, on first Tuesday in every month or oftener, if required, give a true and perfect account under their hands of all monies which they received and disbursed, for which oath no fee or reward shall be taken; and in case any money remain in their hands, the same shall be paid to trustees, or any seven, or to such as trustees under their hands and seals authorize, which shall be laid out in amending said highway, and not otherwise; and trustees, to whom such account given, shall out of said toll make allowance to treasurer and clerk, receivers, collectors, and surveyors, as shall seem good, so as allowance to treasurer does not exceed yearly thirty pounds, and of such clerk does not exceed yearly fifteen pounds, and to collectors annually fifteen pounds, and surveyors not exceeding two shillings and six pence per day during times employed in repair; provided such treasurer give sufficient security before said board of trustees for due execution of office; and in case treasurer, receivers, or collectors, or any of them, shall not make such account and payment according to orders, said trustees, or any seven, said justices at any special sessions or meeting, shall make enquiry, and finally determine concerning such default, as well by confession as by one or more witnesses upon oath; and said justices shall upon conviction commit to the common gaol of the county, where offence committed, without bail or mainprize, until a true and perfect account and payment. Seven trustees at meeting shall elect officers, remove and appoint others, receivers to account on oath 1st Tuesday monthly or oftener if required, surplus paid to trustees or their order, laid out in amending the road, allowance to treasurer not above 30l. yearly, clerk 15l. collectors 15l. surveyors 2s. & 6d. per day while employed, security by treasurer, default of account and payment inquired at sessions, on conviction imprisoned till made.

CCCCLXXXVIII. *sect.* 6. It shall be lawful for surveyors, and such as they appoint, to raise materials out of any waste or common of any parish, town, village, or hamlet, in or near which any founderous or ruinous places of said highway lie, and for want of sufficient there out of any neighbouring, without paying any thing; and where not sufficient, by order of said trustees, or any seven, to gather in grounds of any persons, not being a garden, orchard, yard, or meadow, planted walk, or avenue to a house, and carry away, paying such rates to owner or occupier as trustees or any seven adjudge reasonable; and in case of any difference touching the value, materials, and damage, the judges at next general assizes shall assess and finally determine. Surveyors may raise materials out of adjoining waste or common, without paying, if not sufficient, by order of trustees in any grounds, not garden, &c. paying such rate as by trustees adjudged, any difference determined at next assizes.

Surveyors may remove or prevent annoyances, cleanse ditch or water-course, cut or lop trees or hedges and carry away, owner or occupier neglecting 10 days after written notice by 7 trustees, charges reimbursed, again offending forfeit 10s.

CCCCLXXXIX. *sect.* 7. It shall be lawful for surveyors, and such person as they appoint, to remove and prevent annoyances, and cleanse any ditch or water-course adjoining, and cut, lop, or top trees or bushes in said highways, hedges, or banks adjacent, and carry away, (owner or occupier neglecting ten days after notice under hands of seven trustees) the charges whereof shall be reimbursed by such owner or occupiers; and if after removing such annoyances, any again offend, and convicted upon oath of one or more witnesses before one or more justices, shall for every offence forfeit unto trustees ten shillings, levied in manner aforesaid.

Surveyors by order of 7 may make drains, erect arches, widen, the ground not being garden, &c. and make necessary trenches, making satisfaction as assessed next assizes or sessions in case of difference, surveyors on neglect after 10 days notice may cleanse water-courses and deepen ditches, and on warrant of 5 trustees levy the charges.

CCCCXC. *sect.* 8. It shall be lawful for surveyors by order of trustees, or any seven, to make drains through any ground contiguous, and erect arches, and to widen narrow parts of said highway, by opening any ground contiguous, not being a house, garden, orchard, planted walk, or avenue to a house, and ditches and trenches to be made as surveyors by order adjudge necessary, making reasonable satisfaction for the damages as assessed and judged by next judges of assize, or by justices at next general assizes or quarter sessions in case of any difference; and if any owner or occupier of water courses or ditches adjoining neglect or refuse to scour or cleanse, and to make such ditches so deep, and in manner as surveyors adjudge convenient, after ten days notice by surveyors or persons appointed, it shall be lawful for surveyors to scour and make the same, and by warrant of five trustees to levy the charge thereof upon goods or estates of owners or occupiers by distress and sale.

Nine trustees may set apart lands, not garden, &c. for carrying the road straight, and agree for recompence out of the tolls, on refusal or disability may issue warrants to sheriffs to return a jury to inquire the value, such verdict conclusive.

CCCCXCI. *sect.* 9. It shall be lawful for said trustees, or any nine, to ascertain and set apart such part of the land between Nenagh to O'Brien's Bridge for continuing said road in a straight line, not being houses, gardens, avenues, plantations or planted walks, as said trustees judge necessary; and to agree with owners and others interested for recompence out of the tolls as said trustees think fit; and in case any neglect or refuse to treat, or through any disability cannot or otherwise refuse to dispose of their interests in said lands, said trustees are impowered to issue warrants to sheriffs to return before said trustees at time and place within the county as appointed a sufficient jury, who upon their oaths shall enquire into the true and real value of such ground, and such verdicts by said jury shall be final and conclusive as well to said trustees as to proprietors of such ground, notwithstanding any incapacity whatsoever.

15 trustees may assign toll as security for money borrowed, applied as the toll.

CCCCXCII. *sect.* 10. Trustees or any fifteen shall and may under hands and seals assign said separate toll, or any part (the costs and charges paid out of such toll) for any term during this act as a security for money borrowed, with lawful interest, or less, if the same can be so had; which shall be applied as the toll by this act, and to no other purpose.

And order payment of interest, till principal discharged at one payment, no order above 50l.

CCCCXCIII. *sect.* 11. It shall be lawful for trustees or any fifteen to make out orders under their hands to treasurer or receiver to pay to persons named, executors, administrators, or assigns, the growing interest until principal discharged at one entire payment; provided no order shall be for greater sum than fifty pounds.

Transferable by indorsement, on notice and entry, so toties.

CCCCXCIV. *sect.* 12. All to whom such orders given, their executors or administrators, may by indorsements transfer the benefit; which indorsements upon notice to treasurer or receiver, and entry viewed at reasonable hours without fee or reward, shall intitle indorsee, executors, administrators, or assigns, to the sole benefit of sum so transferred, and said order may in like

like manner be transferred *toties quoties*; and after such assignment it shall and may be in power of persons who made such to release or discharge said assignment or sum transferred, or any part.

CCCCXCV. *sect.* 13. Treasurer or receiver shall arithmetically number all warrants or orders as delivered out, commencing by number one. Orders numbered.

CCCCXCVI. *sect.* 14. The tolls shall be applied to discharge of interest of money borrowed, and towards repairing said road; and surplus in discharging principal; as often as such surplus shall amount to two hundred pounds, treasurer shall cause the number of all orders, and sums therein to be written on tickets rolled and sealed up, and put in a box or urn, well mixed, and an indifferent person appointed by trustees, or any seven, shall publickly between ten and twelve of a day, advertised in Dublin Gazette twenty days before, at Nenagh draw out as many as the sums therein shall amount to two hundred pounds, and the persons, whose orders drawn, shall within twenty days after be paid the principal with interest, and deliver up their orders to be cancelled, and the interest shall cease from twenty days from the day of drawing. Tolls applied to interest of money borrowed, and to repair of the road, surplus, when 200l. to principal, by drawing.

CCCCXCVII. *sect.* 15. No persons having paid at first turnpike, and producing ticket, shall be liable at any other, delivering said ticket at the latter the same day; and no persons, who return the same day with the same cattle or carriage, shall be compellable to pay more than once. Paying at 1st gate not liable at any other, delivering ticket nor returning same day.

CCCCXCVIII. *sect.* 16. If any having paid toll, and having such ticket, shall dispose of the same to avoid toll, every person disposing or offering and receiving, being convicted upon oath of one or more witnesses before trustees, or any seven, or one or more justices, shall respectively forfeit ten shillings, recovered and disposed of as any other penalty by this act. Giving and receiving ticket to avoid toll, forfeit 10s. respectively.

CCCCXCIX. *sect.* 17. Trustees, or any seven, may compound by the year or otherwise for any sum quarterly. 7 trustees may compound quarterly.

D. *sect.* 18. No person shall be charged, who carry materials for repairing said road, or any roads in the parishes in which the same lie, or neighbouring parishes; nor loaded with corn in straw only, nor plows, harrows, or implements of husbandry in order to using or repairing in parishes, in which said highways lie; nor for any cattle going to water, or post horse carrying the mail or packet, or such as used only to ride on by driver, provided such horse pass through with such carriage; nor for horses of soldiers upon march, or for carriages attending them, or vagrants sent by passes, or with prisoners transmitted. Exempt from toll.

DI. *sect.* 19. The toll hereby shall take place and have continuance from the second of August one thousand seven hundred and eighty during forty-one years. Toll continued 41 years from 2d Aug. 1780.

DII. *sect.* 20. If before forty years all parts of said road sufficiently repaired, and so adjudged by majority of trustees, and repayment of money borrowed, with interest, costs, and charges, said tolls shall cease. Unless adjudication of trustees before, and loan with interest repaid

DIII. *sect.* 21. It shall be lawful for trustees, or any seven, upon death of any, or removal, or refusing to act, to elect so many more living in county of Tipperary, to be joined with said trustees, so *toties quoties* as often as occasion shall require. Seven trustees on death, removal, or refusing to act, may elect others living in co. Tipperary.

DIV. *sect.* 22. Trustees, or any fifteen, shall meet at any place near said highway as said trustees, or any seven, think convenient, as often as necessary; and if not a sufficient number to act, and to adjourn, the clerk by notice affixed at the gates ten days before shall appoint to meet where last appointed, Trustees to meet near said road, if not a number, the clerk shall appoint, bear their own charges.

appointed, or near ſaid road, on that day three weeks; and truſtees at all meetings ſhall defray their own charges.

No truſtee to have place of profit.

DV. *ſect.* 23. No truſtee ſhall accept of any place of profit out of the toll.

Nor undertake for repairing, oath of undertaking for the perſon's own uſe, and not for a truſtee.

DVI. *ſect.* 24. No truſtee ſhall in his own or name of any other undertake or contract for repair of ſaid roads, or any part, whereby any profit may ariſe to him, but from ſuch time ſhall ceaſe to be a truſtee; and any, that undertake or contract, ſhall, if required, take an oath before ſaid truſtees or any ſeven, that they undertake for their own uſe, and not for any ſuch truſtee.

Suits for actions laid in Tipperary, defendants may plead general iſſue, &c.

DVII. *ſect.* 25. Suit for any thing done in purſuance of this act ſhall be laid in county of Tipperary, and not elſewhere; and defendants may plead general iſſue, and give this act and ſpecial matter in evidence, and if it appear ſo, or ſuch action brought in other county, the jury ſhall find for defendants; and upon ſuch verdict, or if plaintiff nonſuited or diſcontinue after defendants appeared, or if on demurrer judgment againſt plaintiff, defendants ſhall recover treble coſts, and have like remedy as in other caſes.

and have treble coſts on nonſuit, &c.

A publick act.

DVIII. *ſect.* 26. This ſhall be deemed a publick act, and be judicially taken notice of as ſuch without ſpecially pleading.

Truſtees under 13 G. 2. c. 16. deemed truſtees in 17 & 18 G. 3. c. 39.

DIX. *Stat.* 19 & 20 *Geo.* 3. *cap.* 47. *ſect.* 1. Truſtees under the act thirteenth of his late Majeſty ſhall after firſt Auguſt one thouſand ſeven hundred and eighty be deemed to be truſtees in the act ſeventeenth and eighteenth years of his preſent Majeſty, as fully to all intents and purpoſes as if their names ſpecified in ſaid acts ſeventeenth and eighteenth of his preſent Majeſty.

All clauſes in ſaid acts (ſave as altered) continued during 17 & 18 G. 3. c. 39.

DX. *ſect.* 2. All powers, penalties, and clauſes in thirteenth of his late Majeſty, and ſeventeenth and eighteenth of his preſent Maj ſty (except hereby altered) ſhall continue during continuance of ſaid act of ſeventeenth and eighteenth of his preſent Majeſty for the purpoſes in ſaid acts and herein as if herein re-enacted.

A publick act.

DXI. *ſect.* 3. This ſhall be deemed a publick act, and judicially taken notice of as ſuch without ſpecially pleading.

Tolls increaſed 1-3d except for black cattle & ſheep.

DXII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 48. *ſect.* 1. The tolls of turnpike gates on ſaid road ſhall be increaſed one third above tolls now payable, black cattle and ſheep only excepted; ſaid increaſe tolls to be payable for five years and no longer, and to commence from firſt Auguſt in the year one thouſand ſeven hundred and eighty.

Tolls applied in the reſpective counties,

ſave treaſurer's ſalary, while one for the entire road.

DXIII. *ſect.* 2. Tolls or rents from that part of the road in county of Tipperary ſhall be applied to repairing ſuch as lies in ſaid county, and to no other uſe, ſave only to payment of treaſurer's ſalary, or of three-fourths of the ſame whilſt there ſhall be one treaſurer only for the entire road in ſaid two counties; and the tolls in county of Cork ſhall be in like manner applied to repairing ſuch parts as lie in ſaid county.

Treaſurer to keep ſeparate books for the 2 counties.

DXIV. *ſect.* 3. The treaſurer ſhall keep ſeparate books containing ſaid accounts of ſaid tolls or rents and of all tranſactions relative to ſaid road; one of ſaid books to comprehend all matters relative to Tipperary road, the other all relative to county of Cork.

DXV. *ſect.*

DXV. *ſect.* 4. Whereas the tolls have been ſet for two years, from firſt May one thouſand ſeven hundred and ſeventy-nine at yearly rent of two hundred and twenty two pounds fifteen ſhillings, one hundred and ſixty-ſix pounds thirteen ſhillings ſhall be accounted for to the county of Tipperary, and fifty ſix pounds two ſhillings ſhall be credited to county of Cork road.

166l. 13s. of rent accounted for to Tipperary,

56l. 2s. to Cork.

DXVI. *ſect.* 5. Increaſed rent ſhall be diſtributed between the roads in ſaid two counties in proportion above mentioned.

Increaſed rent diſtributed in ſaid proportion.

DXVII. *ſect.* 6. It ſhall be lawful for any nine truſtees to make one or more ſeparate leaſes of the gates in Tipperary and in Cork from firſt May one thouſand ſeven hundred and eighty-one, not exceeding two years, at the beſt rent from ſolvent tenants, the treaſurer giving three months previous notice of time and place of ſetting in ſome news-paper printed in city of Cork, and in Clonmell.

9 truſtees may make ſeparate leaſes of reſpective road for 2 years from 1 May 1781, at beſt rent from ſolvent tenants, advertiſed 3 months in reſpective papers.

DXVIII. *ſect.* 7. All boards, leaſes, and buſineſs relative to the road in county of Tipperary, ſhall be held at the following and no other places, Clonmell, Ardfinan, Clogheen, and Ballyporeen, and all in any other place ſhall be null and void.

Places where boards ſhall be held.

DXIX. *ſect.* 8. Whereas it is neceſſary to appoint additional truſtees, who reſide in or near the line in county of Tipperary; the perſons herein after-mentioned ſhall be truſtees of ſaid road.

Additional truſtees appointed.

DXX. *ſect.* 9. Treaſurer ſhall duly attend meetings, and in default it ſhall be lawful for any ſeven to remove from being treaſurer of the part of ſaid road in ſaid county.

7 may remove treaſurer on not attending.

DXXI. *ſect.* 10. Whereas there remained in the treaſurer's hands on fifth May, one thouſand ſeven hundred and eighty, one hundred and thirty one pounds ſixteen ſhillings and one penny halfpenny, after all allowances; ninety eight pounds ſeventeen ſhillings ſhall be applied towards repair of the Tipperary road, the remaining thirty-two pounds nineteen ſhillings and one penny halfpenny towards repair of county of Cork road.

Of 131l. 16s. 1½d. in treaſurer's hands, 5 May 1780, 98l. 17s. applied to Tipperary road, 32l. 19s. 1½d. to the Cork road.

DXXII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 49. *ſect.* 1. The perſons in the act thirteenth and fourteenth years of his preſent Majeſty named, and none others, be truſtees for putting the recited acts and this act in execution; and ſaid truſtees, or any ſeven, or ſuch as they appoint, may after firſt Auguſt one thouſand ſeven hundred and eighty, in lieu of tolls by ſaid acts take the tolls following; for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by four horſes or mules, one ſhilling and ſixpence; by two, one ſhilling and one penny; for every waggon, wain, cart, or carriage with two wheels, by one or two horſes, mules, or bullocks, except carts or carriages drawing turf, corn in ſheaves, and hay to haggards adjacent, and not for ſale, ſixpence; drawn by three or more horſes, mules, or oxen, one ſhilling and ſix-pence; every chair, chaiſe, or capriole, drawn by one, ſix-pence; car, truckle, or carriage by one horſe, mule, or bullock, two pence; every horſe, mule, or aſs laden or unladen, not drawing, three half-pence; every drove of oxen, cows, or neat cattle, one ſhilling and eight pence per ſcore, and ſo in proportion; calves, hogs, ſheep, goats, or lambs, ten pence per ſcore, and ſo in proportion; and the money ſo raiſed veſted in ſaid truſtees, and applied for ſame purpoſes as by ſaid former acts, ſave as herein after.

13 & 14 G. 3. c. 29. 7 G. 2. c. 20. truſtees named in 13 & 14 G. 3. c. 29. and none others, ſhall be truſtees for executing this and ſaid acts,

7, or ſuch as they appoint may take toll following in lieu of former,

the tolls,

veſted in truſtees, applied as in ſaid acts, ſave as herein after.

DXXIII. *ſect.* 2. The treaſurer may out of firſt money by the tolls pay the expences of procuring this act.

Treaſurer firſt to pay expences of this act.

DXXIV. *ſect.*

Tolls continued from 1ſt Aug. 1780, 41 years, &c.

DXXIV. *ſect.* 3. The tolls hereby ſhall have continuance from firſt Auguſt one thouſand ſeven hundred and eighty, during forty-one years, and until end of the next ſeſſion; and all clauſes in ſaid acts of ſeventh of George the ſecond, and thirteenth and fourteenth of his Majeſty, except hereby altered, ſhall be of full force, and continue from firſt Auguſt one thouſand ſeven hundred and eighty, during forty one years, and to end of then next ſeſſion, as if herein repeated.

and all clauſes in ſaid acts, ſave as altered.

Grand jury for county of Cork may preſent for treaſurer 50l. a year above the ſums now impowered to preſent, confirmed at aſſizes.

DXXV. *ſect.* 4. Whereas it is expedient, that the grand jury of county of Cork ſhall have power to preſent a greater yearly ſum for the treaſurer than by the laws now impowered: after twenty-fourth June one thouſand ſeven hundred and eighty, the grand jury at aſſizes for ſaid county ſhall have power, if they think fit, to make preſentments for raiſing, not exceeding fifty pounds a year for the treaſurer, over and above the ſums impowered by the laws now in force to preſent, and the judges at ſuch aſſizes ſhall and may confirm the ſaid preſentment.

A publick act.

DXXVI. *ſect.* 5. This ſhall be deemed a publick act, and judicially taken notice of as ſuch, without ſpecially pleading.

Turnpike treaſurer ſhall by 1ſt Oct. yearly return to clerks of peace copies of every leaſe, article or agreement of the gates or tolls, and ſums received and paid from laſt return, with the perches repaired.

DXXVII. *Stat.* 19 & 20 *Geo.* 3. *cap.* 50. *ſect.* 1. Whereas many turnpike roads have been neglected, and are greatly out of repair: treaſurers of the ſeveral turnpike roads ſhall on or before firſt October one thouſand ſeven hundred and eighty, depoſit with clerks of peace of the counties, through which the roads or any part is or are carried, true copies of all leaſes, articles, and agreements, whereby the gates or tolls are now ſet or agreed to be, with a true account of all ſums received and paid on account of ſaid road to the day of depoſiting, and ſhall afterwards return to ſaid clerks on or before firſt October every year copies of every leaſe, article, and agreement, with a true account of ſums received and paid on account of ſaid road from the time of laſt return, with the number of perches of ſaid road repaired from the time aforeſaid.

Treaſurer, not complying with orders herein, or not returning as by 13 & 14 G. 3. c. 26. fined 20l. execution ordered.

DXXVIII. *ſect.* 2. If any treaſurer of turnpike fail to comply with the orders hereby, or any of them, or to make ſuch returns as by a ſtatute thirteenth and fourteenth of his Majeſty, it ſhall be lawful for any one of juſtices of aſſize for ſaid county to examine upon oath the clerk of peace touching ſaid returns, and to fine every treaſurer neglecting to make returns not exceeding twenty pounds, and to order execution againſt the body, goods, and lands of ſaid treaſurer for ſaid ſum.

No fine for not complying with 13 & 14 G. 3. c. 26. before this act, and where fined, no proceeding for the 20l. therein.

DXXIX. *ſect.* 3. No ſuch fine ſhall be impoſed for neglect in not complying with directions of ſaid ſtatute of thirteenth and fourteenth of his Majeſty before paſſing this act; and where ſuch fine impoſed there ſhall be no proceeding for the forfeiture of twenty pounds in the ſaid ſtatute.

Return on oath before 2 magiſtrates, ſigned at foot of the account by treaſurer and ſaid magiſtrate.

DXXX. *ſect.* 4. Every ſuch treaſurer ſhall verify upon oath before two magiſtrates of the county, or one of the counties, through which ſaid road paſſes, that ſaid return is true and juſt to beſt of his knowledge and belief; which oath ſhall be ſigned by ſaid treaſurer at the foot of ſaid account, and by ſaid magiſtrate.

Paper depoſited kept carefully in the office, or fined 20l. and execution.

DXXXI. *ſect.* 5. Clerks of peace ſhall careſully keep ſaid paper depoſited in their offices; and for every failure or neglect ſhall be fined by the judge of aſſize, not exceeding twenty pounds, and be ordered into execution for ſaid ſum.

DXXXII. *ſect.*

DXXXII. *ſect.* 6. It ſhall be lawful for grand jury to call every ſuch treaſurer and examine upon oath, firſt ſending to one of the judges to be ſworn touching ſtate of the road, and all matters relative to the tolls, rents, debts, and credits; and if it appear by affidavit ſworn before one of judges of aſſize, that any part of the road is in bad condition, and that the money in treaſurer's hands is ſufficient for repairing, or the rents reſerved for ſaid tolls will be ſufficient within a certain time, aſcertained by ſaid grand jury, it ſhall be lawful for ſaid grand jury to make a preſentment, that treaſurer ſhall within a certain time cauſe to be repaired ſuch parts as deſcribed; and in caſe the judge ſhall ſeal the preſentment, ſaid treaſurer ſhall be bound to cauſe ſaid road to be repaired purſuant.

Treaſurer ſworn before a judge, examined by g. jury, on affidavit of part of the road in bad condition, and ſufficient in treaſurer's hands, or by rents, to repair, preſentment for treaſurer to repair in a certain time, ſealed by the judge.

DXXXIII. *ſect.* 7. If at next aſſizes the query on ſaid preſentment not anſwered to ſatisfy the court, that ſaid work has been done purſuant, it ſhall be lawful for ſaid judge to order execution againſt body, goods, and lands of ſaid treaſurer for the ſum in the preſentment.

If query not anſwered next aſſizes, execution againſt treaſurer for the ſum.

DXXXIV. *ſect.* 8. The ſeveral fines ſo impoſed, and ſums paid by virtue of ſaid executions, ſhall be paid over to treaſurer of ſaid turnpike road, and applied towards repair.

Fines and ſums paid over to treaſurer of the turnpike, applied to repair.

DXXXV. *ſect.* 9. Every ſuch treaſurer, againſt whom ſuch execution ordered, ſhall be incapable to act as treaſurer of ſaid turnpike; and in caſe he ſhall act as treaſurer after ſaid order, ſhall forfeit five pounds every time he ſhall offend in ſaid office, recovered by civil bill at next aſſizes by the perſon who will firſt ſue.

Treaſurer under ſuch execution incapable; acting after order, 5l. every offence by civil bill to firſt proſecutor.

DXXXVI. *ſect.* 10. Nothing in this act ſhall extend to the road from Dublin to Dunleer, from Dunleer to Dundalk, from Dundalk to Newry and Banbridge, and from Dublin to Kinnegad and Mullingar, or any of them, or the truſtees for the ſame, or their proceedings, treaſurer, clerks, or ſervants, nor to any treaſurer of a county, or clerk of peace, in reſpect of the ſame.

Roads excepted.

DXXXVII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 39 *ſect.* 1. Perſons appointed by thirteenth and fourteenth of his Majeſty, or hereafter nominated ſhall be truſtees for putting the former acts and this in execution, to all intents as if named herein; and are impowered to act as truſtees, or any ſeven or more are by the former or this act impowered, and ſo *toties quoties* as often as occaſion.

Truſtees by 13 & 14 G. 3. c. 39. as if herein named.

DXXXVIII. *ſect.* 2. It ſhall be lawful for ſaid truſtees, or any ſeven or more, during the term by thirteenth and fourteenth of his Majeſty, to lay out as much of the money by the toll hereby, or raiſed on credit thereof, in keeping in repair the road from Dublin to Mullingar, and in altering or ſhortening the line, but eſpecially for widening ſixty feet at leaſt, without breaking down or injuring incloſures of Phœnix Park, or grounds belonging to the royal hoſpital, all parts of ſaid road from Chapelizod to Dublin, on north and ſouth ſides of the river Liffey; and it ſhall be lawful for ſurveyors, by order of ſaid truſtees, or any ſeven, to make cauſeways, and drains through any ground contiguous to ſaid part of ſaid road, and erect arches, and alſo to widen to ſixty feet or to ſhorten through any grounds contiguous not incloſed within Phœnix Park, or belonging to the royal hoſpital and to cauſe ditches or trenches to be made, for amending and keeping ſaid part in good repair, making ſuch reaſonable ſatisfaction to owner or occupier for the damages, as ſhall after eight days notice be aſſeſſed by juſtices of peace for county of Dublin, or major part, at the next general quarter ſeſſions, in caſe of

7 may during the term by 13 & 14 G. 3. c. 39. lay out in repairing, and widening, 60 feet from Chapelizod to Dublin without injuring incloſures of the park, &c. ſurveyors by order of 7 may make cauſeways, drains, and arches, widen to 60 feet or ſhorten,

ſatisfaction adjudged at ſeſſions after 8 days notice.

any difference; any thing in ſaid acts or any of them to contrary notwithſtanding.

Toll inſtead of 5 G. 2. c. 16.

DXXXIX. *ſect.* 3. Said truſtees or any ſeven, or ſuch as they appoint, ſhall during the former and this act, take in lieu of tolls and duties by fifth of George the ſecond, the following; for every coach, berlin, chariot, calaſh, chaiſe, or chair by ſix horſes, mares, geldings, or mules, two ſhillings and two pence; by four, one ſhilling and ſeven pence half penny; by two, ſix pence halfpenny; for every waggon, wain, cart, car, or other carriage with four wheels, five ſhillings; for every wain, cart, or other carriage with two wheels, having more than two horſes, two ſhillings and eight pence halfpenny; for every chaiſe, chair, or capriole with four wheels, drawn by one, five pence; for every car, capriole, or other carriage with four wheels and drawn by more than one, ſix pence halfpenny; having but two wheels and drawn by one, one penny halfpenny; every horſe, mare, or gelding, aſs or mule, laden, or unladen, and not drawing, one penny; every drove of oxen, cows, or neat cattle, one ſhilling and eight pence *per* ſcore, and ſo in proportion; every drove of calves, hogs, ſheep, or lambs, ten pence *per* ſcore, and ſo in proportion; which ſums ſhall be demanded and taken as a toll or duty at the ſeveral turnpike gates on ſaid road, or ſides, or any part; and ſaid truſtees, or any ſeven are impowered by themſelves, or perſons by them authorized, to levy the ſame, and are inveſted with all powers for levying by diſtreſs, ſeizure, detention, or otherwiſe, as by the former acts; and the money ſo collected is and ſhall be veſted in ſaid truſtees, for firſt diſcharging all reaſonable expences in procuring this act, and after ſhall be ſubject and liable to the uſes and applications in the former acts, and in this mentioned.

veſted in the truſtees,

Divided into eaſt and weſt diviſion.

DXL. *ſect.* 4. The road from Dublin to Mullingar ſhall be divided into two parts; and from Dublin to the twenty mile ſtone ſhall be diſtinguiſhed by the eaſtern diviſion, and from the twenty mile ſtone to Mullingar the weſtern diviſion.

5 G. 2. c. 16. ſ. 10. repealed.

DXLI. *ſect.* 5. Whereas in the fifth of his late Majeſty, there is a proviſo that in caſe there ſhall be no more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the ſaid city of Dublin and Kinnegad, no perſon or perſons having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, (which note or ticket the receiver or receivers, collector and collectors is, and are hereby required to give gratis) ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes, upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors of the ſaid toll or duty at the latter gate or turnpike the ſame day, and no perſon or perſons having occaſion to paſs the place or places where the toll or duty is taken, and who ſhall return the ſame day, upon or with the ſame horſe, mare, gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road: the ſaid proviſo declared to be repealed and made void.

Payment in one diviſion not exemption in the other.

DXLII. *ſect.* 6. Every perſon ſhall pay tolls aforeſaid at the firſt gate he ſhall paſs through in either of ſaid diviſions; and if on ſame day he ſhall travel more than is in one, ſhall pay twice in ſame day, it being the true meaning that payment on the eaſtern diviſion ſhall not be an exemption in the weſtern, nor in the weſtern from payment in the eaſtern.

DXLIII. *ſect.*

DXLIII. *ſect.* 7. No perſon ſhall be obliged to pay more than once in ſame day within any one of ſaid diviſions on producing a ticket which the receivers are to give as by the former acts, and marked with name of the diviſion in which delivered. — But once in ſame diviſion, producing ticket.

DXLIV. *ſect.* 8. Said truſtees or any fifteen ſhall and may as occaſion ſhall require, raiſe and borrow ſuch ſums, not exceeding two thouſand pounds, as they judge neceſſary towards defraying the immediate expence, and to make compenſation to owners or occupiers of contiguous grounds; and for all ſums, bills intitling bearer, and declaring ſuch ampunt payable on the firſt of May, or November, which ſhall next happen after three years from the dates, ſhall be iſſued and ſigned by the clerk or regiſter of ſaid truſtees, and ſealed with ſeal of ſaid truſtees; and ſuch bills ſhall bear intereſt from the date, as agreed between ſaid truſtees and lenders, not exceeding ſix pounds by the hundred by the year; and for ſuch ſums there ſhall be paid by their treaſurer or receiver every firſt of May, and November, after the dates, ſuch intereſt as ſo agreed in full to the ſaid days, without any fee or charge, and free from all deductions, defalcations, and abatements, until the principal therein paid at one payment; and all ſuch bills ſhall be numbered in arithmetical progreſſion; provided no ſuch bill ſhall be for leſs than eight pounds ſix ſhillings and eight pence, and every perſon to whom iſſued, may at option receive one or ſeveral bills for ſuch ſum as he or ſhe ſhall chooſe, ſo as ſuch ſhall not exceed in the whole the money lent, and ſo as no bill ſhall iſſue for any greater ſum than eight pounds ſix ſhillings and eight pence, except ſuch ſum as eight pounds ſix ſhillings and eight pence ſhall be the common divider of. — 15 may borrow 2000l. for expences and compenſation, bills to bearer payable after 3 years, intereſt not above 6 per cent. every 1ſt May and November till principal at one payment, numbered, not under 8l. 6s. 8d.

DXLV. *ſect.* 9. The tolls ſhall be firſt laid out in repairing and widening, and in payment of neceſſary officers before any debt or intereſt of debt now affecting ſaid tolls ſhall be paid. — Tolls firſt laid out in repair and widening.

DXLVI. *ſect.* 10. The ſaid money to be borrowed, ſhall be applied firſt towards defraying the immediate expence in widening and altering and in making compenſation, and the reſidue, if any, diſpoſed of as the tolls are by this or ſaid former acts, or any of them to be diſpoſed of. — The ſums borrowed applied to immediate expence and compenſation, reſidue as the tolls.

DXLVII. *ſect.* 11. Treaſurer ſhall, when and as the principal for which ſuch bills iſſued ſhall become due; immediately diſcharge the ſame with all intereſt on demand, in preference to any other claim by any warrant or order of ſaid truſtees or otherwiſe; and the holder ſhall on payment deliver up bills to treaſurer to be cancelled, which he is required to cancel; and the intereſt ſhall ceaſe from the day whereon the principal payable, unleſs ſaid treaſurer ſhall on demand on that day refuſe or decline paying; but in caſe of ſuch demand and declining, ſuch bills ſhall bear intereſt until paid. — Bills diſcharged when due with intereſt on demand, delivered to be cancelled, intereſt to ceaſe on the day when due; unleſs not paid on demand that day.

DXLVIII. *ſect.* 12. So often as ſurplus of ſaid tolls ſhall amount to two hundred pounds, and be in the hands of ſaid treaſurer, it ſhall be lawful for ſaid truſtees or any ſeven at a publick board, to ſet up their warrants or orders by publick auction to be diſcharged, ſo far as ſuch ſurplus will go, and cauſe their treaſurer to diſcharge ſuch, as on ſuch auction the higheſt diſcount ſhall be offered for, and perſons who on ſuch auction propoſe the higheſt diſcount, or executors, adminiſtrators, or aſſigns, ſhall ſo far as ſuch ſurplus will extend, within twenty days after ſuch auction, be paid by ſaid treaſurer the principal due, after deducting ſuch diſcount with intereſt for the ſame till paid, and ſhall upon payment thereof indorſe on ſuch warrant or order a receipt for the money really and *bona fide* to be paid to him after deducting ſuch diſcount, and ſubſcribe his or her name, and deliver up warrants or orders ſo — When ſurplus 200l. warrants diſcharged by auction, for which higheſt diſcount offered, paid in twenty days, diſcount deducted, receipt indorſed,

discharged, and with such receipts to treasurer, which he is required to cancel; and the interest payable by such warrants or orders discharged shall cease from twenty days from the day of such auction; provided such auction, and time and place of holding in Dublin, be publickly advertized in the Gazette, or some other publick news paper, and also posted in the usual manner, at least twenty days before.

auction advertised and posted twenty days before.

19 & 20 G. 3. c. 46. s. 21 as to trustees residence in Tipperary, repealed.

DXLIX. *sect.* 13. Whereas by an act last session, a turnpike road from Nenagh to Obrien's bridge, no person shall be elected a trustee who is not resident in the county of Tipperary: so much of said act is hereby repealed.

As to increase of toll to Mullingar continued 5 years.

DL. *sect.* 14. So much of this act as relates to increase of tolls from Dublin to Mullingar, shall continue five years, and no longer.

A publick act.

DLI. *sect.* 15. This act shall be deemed a publick act, and judicially taken notice of as such by all the judges, justices, and other persons without specially pleading.

Toll between Kilkenny and Clonmell.

DLII. *Stat.* 21 & 22 *Geo.* 3. *cap.* 64. *sect.* 1. After first of August one thousand seven hundred and eighty two instead of the tolls now payable the following tolls shall be taken from Kilkenny to Clonmel; for every coach berlin, chariot, calash, chaise, or chair drawn by six horses, geldings, mares, or mules, two shillings; drawn by four one shilling and six pence; drawn by two, one shilling and one penny; for every waggon, wain, cart, or carriage with four wheels, five shillings; with two wheels, drawn with two horses, mares, geldings, asses, mules, or beasts of draft, six pence; with two wheels, drawn with three or more, three shillings; for every chair or chaise with one horse, mare, gelding, or mule, six pence; every cart, car, or carriage, having but one horse, mare, or gelding, mule, ass or beast of draft, two pence, (except cars and carriages loaded with turf, corn in sheaves, and hay to the haggards of persons living adjacent to said road, and not for sale, and drawn by one horse, gelding, mare, ass, mule, or beast of draft, which are exempted from any of said tolls;) for every horse, mare, gelding, mule, or ass, with any person riding, two pence; not having any person riding thereon, three halfpence; for every drove of oxen, cows, or net cattle, one shilling and eight pence *per* score, and so in proportion; every drove of hogs, calves, sheep, goats, and lambs ten pence, and so in proportion.

First applied to repair, salaries, &c. excepted.

DLIII. *sect.* 2. The tolls on said road shall be applied first to put said road in good repair, before any sum paid thereout for any other purpose, the salaries accruing from said first of August to gate keepers and the treasurer, and any sum actually advanced by said treasurer, before said first of August, and expended on the repair of said road, only excepted.

Presentment by grand juries, 300l.

DLIV. *sect.* 3. It shall be lawful for grand juries of counties of Kilkenny and Tipperary respectively, if they or either of them think proper, to present in their respective county, and for the judge of assize to *fiat* the same, either by one or more presentment on said counties at large, or either of them, for repair of said road, between Kilkenny and Clonmell by the way of Callan and the Nine Mile House, any sum not exceeding in the county of Kilkenny three hundred pounds; and in county of Tipperary three hundred pounds; and said presentments may be made and confirmed without any affidavit whatsoever; any law or statute to the contrary notwithstanding.

without affidavit.

Not after spring 1785.

DLV. *sect.* 4. No such presentments shall be made after spring assizes one thousand seven hundred and eighty five.

Applied only to repair,

DLVI. *sect.* 5. No part of the said money so to be levied by presentment shall be applied to payment of any salary, or sum due by debenture, or other-

wiſe, or to any other purpoſe, ſave only actual repair of ſaid road; and any ſums ſo levied by preſentment upon ſaid counties reſpectively, or upon either, ſhall be expended upon the repair of ſuch parts only of ſaid road as are within the limits of that county, upon which ſaid money levied. and in the reſpective county.

DLVII. *ſect.* 6. It ſhall be lawful for truſtees of ſaid road, or any nine, to borrow on the tolls any ſum not exceeding in the whole four hundred pounds, and to iſſue debentures for payment with intereſt; which ſums and intereſt ſhall be a charge on the tolls in preference to any debt or charge now affecting the ſame, (any ſums actually advanced by the treaſurer and expended upon repair of the ſame before firſt of Auguſt next, only excepted,) and ſhall be applied to immediate repair of ſaid road, and to no other purpoſe. Nine truſtees may borrow 400l. and iſſue debentures.

DLVIII. *ſect.* 7. After firſt of Auguſt one thouſand ſeven hundred and eighty five, ſaid power of raiſing ſaid ſum ſhall ceaſe and determine. Not after 1ſt Auguſt 1785.

DLIX. *ſect.* 8. The following perſons added to the preſent truſtees of ſaid road, ſir John Blunden, John Butler, Gervaſe Parker Buſh, reverend Henry Palmer, William Izod, viſcount Clifden, Henry Blunt, Robert Helſham, reverend John Warring, George Agar, John Flood, Patrick Welſh the younger, reverend Arthur Palmer, reverend John Elliſon, reverend Samuel Madden, ſir William R. Morres, William Barton, Lewis Chappelier, honourable Henry Agar, reverend Somerſet Brofield, lord Mountmorres, Folliott Warring, Robert Mulholland, Richard Elliot, John Mills, Warden Flood, ſir Edward Loftus, archbiſhop of Caſhel, biſhop of Waterford for the time being, Francis Mathew, Henry Prittie, ſir Henry Cavendiſh, ſir Cornwallis Maude, ſir William Barker, ſir Edward Newenham, Cornelius O'Callaghan the younger, Thomas Quinn, Kevan Izod, Lorenzo Nickſon, Mr. Thomas Lonergan, James Pendergaſt, Richard Hely Hutchinſon, John Bagwell of Marfield, Michael Green of Greenmount, Mr. William Lonergan, William Perry, Richard Perry, major John Hely Hutchinſon, Thomas Forreſt, Gamaliel Fitz-Gerald Magrath, John Hobſon, earl of Wandesford, Henry Larieve, Daniel Oſborne, Thomas Oſborne, Richard Cox, Peter Welſh, John Monck Maſon, Francis Marſh, Chriſtopher Hunt, earl of Carrick, honourable Pierce Butler, John Hely, James Kearney, Benjamin Kearney, John Davis, John Jones, Dominick Trant, William Ponſonby, John Hanſor, John Birch, James Percival, reverend Arthur Webb, Thomas Oſborne, David Walſhe, Mr. Maurice Lonergan, Nathaniel Mitchel, the mayor of Clonmell for the time being, ſheriffs of Kilkenny for time being, Mr. John Bignell, Mr. Richard Dobbyn, Francis Hely Hutchinſon, William Barton, Thomas Barton, Stephen Moore of Barne, Wray Palliſer, Thomas Power, Hamilton Lowe, reverend Edward Bacon, John Power of Tullamaine, Godfrey Taylor, Samuel Jacob, William W. Newenham, G. Moore Coote. Truſtees added

DLX. *ſect.* 9. Whereas in an act, nineteenth and twentieth of his Majeſty, it ſhall be lawful for grand juries of the counties of Kilkenny and Tipperary reſpectively to preſent any ſum towards making or repairing the road, or for building any bridge, or for payment of ground neceſſary for making, widening, or ſhortening, or for expences attending: any ſums ſo to be preſented for any of the above purpoſes, ſhall be charged upon the county at large, in which ſo preſented, and not upon the barony or baronies through which ſaid road may run; and ſaid preſentments may be made and confirmed without any affidavit, any law or ſtatute to contrary notwithſtanding. Preſentments by 19 & 20 G. 3. c. 45. ſ. 11. on county at large, without affidavit.

DLXI. *ſect.*

Time of firſt meeting in 19 & 20 G. 3. c. 45. ſ. 29. enlarged.

DLXI. *ſect.* 10. The time of firſt meeting of ſaid truſtees ſhall be enlarged; and in caſe ſaid truſtees, or any fifteen or more meet at Clonmell on the third day of the next ſummer aſſizes for ſaid county of Tipperary, or on the third day of next ſpring aſſizes, or on the third day of the ſummer aſſizes held for the ſaid county, in the year one thouſand ſeven hundred and eighty three, ſaid truſtees may then adjourn, as by ſaid recited act they are impowered, in caſe they had met at either of the times therein appointed, and may execute all and ſingular the powers in them veſted by ſaid recited act.

Truſtees for executing ſaid act 19 & 20 G. 3. c. 45.

DLXII. *ſect.* 11. The perſons herein added to the truſtees for the old turnpike road from Kilkenny to Clonmell through Callan, and by the Nine Mile Houſe, and thoſe who alſo were truſtees for the ſame at paſſing of this act, ſhall be alſo truſtees for putting the laſt recited act of the nineteenth and twentieth of his Majeſty into execution as fully and effectually, as if particularly appointed by ſaid act.

5 G. 2. c. 19. 9 G. 2. c. 26. 25 G. 2. c. 21. continued (ſave as altered) and this act, 31 years from 1ſt Auguſt 1784, and to end of then next ſeſſion.

DLXIII. *ſect.* 12. Whereas an act paſſed in the fifth, ninth, and twenty fifth of his late Majeſty: the ſaid ſeveral acts, and all authorities, powers, articles, rules, penalties and clauſes therein, except ſo far as by any of ſaid acts, or this act altered, ſhall remain in force and effect, and continue and be executed for thirty one years, to be computed from firſt of Auguſt one thouſand ſeven hundred and eighty four, and from thence to the end of the then next ſeſſion, as fully and effectually, as if herein particularly repeated; and this preſent act ſhall have ſame duration.

A publick act.

DLXIV. *ſect.* 13. This ſhall be deemed a publick act, and judicially taken notice of as ſuch by all judges, juſtices, and other perſons, without ſpecially pleading.

Holy-days and Faſting-days.

Taking of aſſizes.

I. *Eng. Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 51. Aſſizes of *novel diſſeiſin*, *mortdanceſtor*, and *darrein preſentment*, ſhall be taken in *advent*, *ſeptuageſima*, and *lent*, as well as inqueſts.

Fifth of November.

II. *Eng. Stat.* 3 *Jac.* 1. *cap.* 1. *ſect.* 2. All miniſters in every church or other uſual place for common prayer within England and the dominions of the ſame, ſhall always upon the fifth of November ſay morning prayer, and give God thanks, and all perſons ſhall upon that day reſort to the pariſh church or chapel accuſtomed, or to ſome uſual church or chapel where the ſervice of God ſhall be uſed, and there abide during the time of ſervice.

Warning to be given.

III. *ſect.* 3. Every miniſter ſhall give warning to his pariſhioners at morning prayer, the Sunday before every fifth of November, for the due obſervation of the ſaid day, and after morning prayer or preaching upon the fifth of November they ſhall read publickly this act.

Thirtieth of January.

IV. *Eng. Stat.* 12 *Car.* 2. *cap.* 30. *ſect.* 1. Every thirtieth day of January, unleſs it be the Lord's day, and then the day following, ſhall be for ever ſet apart to be kept in all churches and chapels of England and Ireland, &c. as an anniverſary day of faſting and humiliation.

V. *Stat.* 14 & 15 *Car.* 2. *cap.* 1. *ſect.* 1. All miniſters in every church, and other uſual place of divine ſervice, ſhall annually celebrate the nine and twentieth day of May, rendering public thankſgiving unto almighty God, and all perſons ſhall on that day forbear all bodily labour and exerciſe of their trades. Twenty ninth of May.

VI. *ſect.* 2. And all perſons inhabiting within Ireland ſhall, upon the nine and twentieth day of May annually, reſort with devotion to ſome pariſh church or public place allowed by authority, where ſuch thankſgivings ſhall be rendered, and there orderly and devoutly abide during the ſaid public thankſgivings, &c. and celebration of divine ſervice. Thankſgiving in Ireland.

VII. *ſect.* 3. Every miniſter ſhall give notice to his pariſhioners, in the church, at morning prayer, the Lord's day next before every twenty ninth day of May, for the due obſervation of the ſaid day, and ſhall then publickly and diſtinctly read this act to the people. *Eng. Stat.* 12 *Car.* 2. *cap.* 14. Notice to be given.

VIII. *Stat.* 14 & 15 *Car.* 2. *cap.* 23. *ſect.* 1. The three and twentieth day of October ſhall be kept as an aniverſary holy-day in this kingdom for ever, and all perſons ſhall, at that day, forbear all bodily labour, and the exerciſe of their trades, and all miniſters in every church or other uſual place for common prayer within Ireland, ſhall, upon the three and twentieth day of October, ſay morning prayer, and give thanks to almighty God for that moſt happy deliverance *from the conſpiracy of the popiſh rebels* 1641. Twenty third of October.

(2) And all perſons inhabiting within Ireland ſhall yearly upon the three and twentieth day of October, reſort to ſome uſual church or chapel where the ſervice of God ſhall be uſed, and there abide orderly during the time of the ſaid ſervice. Reſorting to church.

IX. *ſect.* 2. Every miniſter ſhall give warning to his pariſhioners publickly in the church at morning prayer, the Lord's day next before every three and twentieth day of October for the due obſervation of the ſaid day, and after morning prayer or preaching upon every ſuch three and twentieth day of October, they ſhall read publickly this act. Warning to be given.

X. *Stat.* 7 *Will.* 3. *cap.* 14. *ſect.* 1. All Sundays in the year, the day of the feaſt of the circumciſion of our lord Jeſus Chriſt, of the Epiphany, of the converſion of Saint Paul, of the purification of the bleſſed Virgin, of Saint Matthias the apoſtle, of the annunciation of the bleſſed Virgin, of Saint Mark the evangeliſt, of Saint Philip and Jacob the apoſtles, of Saint Barnabas the apoſtle, of the aſcenſion of our Lord Jeſus Chriſt, of the nativity of Saint John the baptiſt, of Saint Peter the apoſtle, of Saint James the apoſtle, of Saint Bartholomew the apoſtle, of Saint Matthew the apoſtle, of Saint Michael the archangel, of Saint Luke the evangeliſt, of Saint Simon and Saint Jude the apoſtles, of all Saints, of Saint Andrew the apoſtle, of Saint Thomas the apoſtle, of the nativity of our Lord, of Saint Stephen the martyr, of Saint John the evangeliſt, of the holy innocents, Monday and Tueſday in Eaſter week, Monday and Tueſday in Whitſun-week, the twenty third of October, fifth of November, the thirtieth day of January, and twenty ninth day of May, yearly. Sundays and holy days.

(2) And no other day, except the days aforeſaid, and ſuch other days as on ſome extraordinary occaſions ſhall be ſet apart by order of his Majeſty, or the No other days to be kept.

the chief governors of this kingdom, ſhall be kept, or commanded to be kept holy, or to abſtain from lawful bodily labour. *Eng. Stat.* 5 & 6 *Edw.* 6. *cap.* 3.

Refuſing to work.

XI. *ſect.* 2. If any common labourer being hired, or other ſervant retained, ſhall refuſe to work upon any other day than the ſeveral days aforementioned, being thereunto required, upon the uſual and accuſtomed wages, every ſuch perſon ſo refuſing, being thereof lawfully convicted, by their own confeſſion, or by the teſtimony of one ſufficient witneſs upon oath, before any juſtice of the peace, or chief officer of any city or corporation where the offence ſhall be committed, or the party offending apprehended, ſhall forfeit two ſhillings, to be paid at ſuch time, or to ſuch perſon, as by the ſaid juſtice or other chief officer aforeſaid ſhall be appointed, to be diſpoſed of to the poor of the pariſh where ſuch offence ſhall be committed.

Refuſing to pay penalties.

(2) And if ſuch offenders ſhall neglect or refuſe to pay the ſaid ſums, to be aſſeſſed as aforeſaid, the ſaid juſtice or other head officer ſhall commit ſuch offenders to ſome conſtable or other inferior officer, where the ſaid offence ſhall be committed, or the party apprehended, to be publickly whipped, which puniſhment ſhall be publickly inflicted upon ſuch offenders within the ſpace of twenty four hours after ſuch order made.

Conſtables to be bound over.

XII. *ſect.* 3. If any conſtable or inferior officer aforeſaid, do not at the commandment of any juſtice of the peace, or other chief officer of any county, city, or corporation, execute by himſelf, or by ſome other to be by him procured, the puniſhment aforeſaid upon all ſuch offenders, it ſhall be lawful for the ſaid juſtice or chief officer of any ſuch county, city, or corporation, upon ſufficient information thereof, to bind over ſuch conſtable or inferior town officer to the next general quarter ſeſſions or general aſſizes, which ſhall firſt happen there, to be proceeded againſt for ſuch his contempt.

Fine for offences.

(2) And in caſe he ſhall be found guilty thereof, upon examination of one witneſs, he ſhall be fined at the diſcretion of the court, ſo as ſuch fine for every ſuch offence do not exceed twenty ſhillings.

Reſtraint of juſtices.

XIII. *ſect.* 4. Provided that no juſtice of the peace, or head officer of any town or corporation, do execute this ſtatute for any offence done unto himſelf, or whereof complaint was not made within ten days after ſuch refuſal to work.

Act to be given in charge.

(2) And all juſtices of aſſize and gaol delivery are required to give this act in charge at every aſſize within the ſeveral counties of their circuits, and to enquire of and determine the neglect of all juſtices of the peace and others in the due execution of this ſtatute.

Obſervation of the Lord's day.

XIV. *Stat.* 7 *Will.* 3. *cap.* 17. *ſect.* 1. All perſons ſhall on every Lord's day apply themſelves to the obſervation of the ſame, by exerciſing themſelves in piety and true religion publickly and privately.

Reſtraint from labour.

(2) And no perſon ſhall do any worldly labour or work of their ordinary callings upon the Lord's day, works of neceſſity and charity only excepted; and every perſon, being of the age of fourteen years or upwards, offending in the premiſſes, ſhall forfeit five ſhillings; and no perſon ſhall publickly cry, ſhew forth, or expoſe to ſale any fruit, herbs, or goods upon the Lord's day, upon pain, that every perſon ſo offending ſhall forfeit the ſame.

XV. *ſect.*

XV. *ſect.* 2. No drover, horſe courſer, waggoner, carrier, butcher, higler, or any of their ſervants, ſhall travel or come into their inn or lodging, upon the Lord's day, upon pain that every ſuch offender ſhall forfeit twenty ſhillings. Travelling on the Lord's day.

XVI. *ſect.* 3. No perſons ſhall play or exerciſe any hurling, commoning, foot-ball playing, cudgels, wreſtling, or any other games, paſtimes, or ſports, on the Lord's day; and if any perſon ſhall offend therein, and be thereof convicted as herein after directed, every ſuch perſon ſhall forfeit twelve pence, to be immediately paid to ſuch juſtice of the peace or officers before whom ſuch conviction ſhall be. Uſing ſports or games.

(2) And if any perſon offending againſt this act, ſhall be thereof convicted before any juſtice of the peace or chief officers where the offence ſhall be committed, upon their view, or confeſſion of the party, or proof of one witneſs by oath, the ſaid juſtice or chief officer ſhall give warrant to the conſtables or church-wardens of the pariſh where ſuch offence ſhall be committed, to ſeize the goods cried, ſhewed forth, or put to ſale as aforeſaid, and to ſell the ſame; and to levy the other forfeitures by diſtreſs and ſale of the goods of every ſuch offender, &c. and in default of diſtreſs, or in caſe of inability of the offender to pay the ſaid forfeitures, the party offending ſhall be ſet publickly in the ſtocks two hours. Warrant for penalties.

(3) And all the forfeitures aforeſaid ſhall be employed to the uſe of the poor of the pariſh where the ſaid offences ſhall be committed, ſaving that it ſhall be lawful for any juſtice, mayor, or head officer, out of the ſaid forfeitures, to reward perſons that ſhall inform of any offence againſt this act, ſo as ſuch reward exceed not the third part of the forfeitures or penalties. Forfeitures to the poor.

XVII. *ſect.* 4. Nothing in this act ſhall extend to the prohibiting of dreſſing meat in families, or dreſſing or ſelling meat in inns, cook ſhops, or victualling houſes, for ſuch as otherwiſe cannot be provided; nor the crying or ſelling of milk or fiſh before ten of the clock in the morning, or after four of the clock in the afternoon; nor to the uſing of hackney coaches in or about the city of Dublin. Dreſſing of meat, &c.

XVIII. *ſect.* 5. No perſon ſhall be proſecuted for any offence before mentioned, unleſs they be proſecuted for the ſame within ten days after the offence committed. Proſecution in ten days.

XIX. *ſect.* 6. If any perſons which ſhall travel on the Lord's day, ſhall be then robbed, no hundred, or the inhabitants thereof, ſhall be anſwerable for any robbery ſo committed, but the perſons ſo robbed ſhall be barred from bringing any action for the ſaid robbery, nevertheleſs the inhabitants of the counties, hundreds, or baronies, after notice of any ſuch robbery, or after the hue and cry brought, ſhall make freſh purſuit after the offenders with horſemen and footmen, according to the ſtatute 10 & 11 *Car.* 1. *cap.* 13. upon pain of forfeiting to the king as much money as might have been recovered againſt the ſaid hundred or barony by the party robbed, if this law had not been made. Robbery on the Lord's-day.

XX. *ſect.* 7. No perſon upon the Lord's-day ſhall ſerve or execute any writ, proceſs, warrant, order, judgment, or decree, except in caſes of treaſon, felony, or breach of the peace, but the ſervice of every ſuch writ, &c. ſhall be void, and the perſons executing the ſame ſhall be as liable to the ſuit of the party grieved, and to anſwer damage, as if they had done the ſame without any warrant. *Eng. Stat.* 29 *Car.* 2. *cap.* 7. Proceſs executed on the Lord's-day.

Entertaining during divine ſervice.

XXI. *ſect.* 8. No keeper of any tavern, ale-houſe, or publick victualling-houſe, ſhall entertain or permit to remain in his houſe, any perſon during the time of divine ſervice, except thoſe who are of their own family or lodgers in the ſaid houſe, or furniſh them with liquor of any ſort, upon the penalty of forfeiting of ten ſhillings for every ſuch offence, and alſo five ſhillings to be forfeited by every ſuch perſon who ſhall enter or remain in ſuch taverns, ale-houſes, or victualling-houſes, contrary to this act.

Searching publick houſes.

XXII. *ſect.* 9. All conſtables and church-wardens within cities and towns corporate, are required frequently to enter into all taverns, ale-houſes, and victualling-houſes, within their pariſhes or diſtricts, where they ſhall reaſonably ſuſpect any perſon to be contrary to the intent of this act, and to apprehend ſuch perſons as they ſhall find, or reaſonably ſuſpect to be offenders againſt the ſame, and alſo the maſter of ſuch houſe where ſuch offenders ſhall be apprehended, and them in cuſtody to carry before ſome juſtice of peace, near the place, which juſtice is impowered to examine witneſſes upon oath touching the breach of this law, and after examination to proceed to conviction or acquittal of the perſons accuſed, which ſhall be final to all parties.

Committal of offenders.

(2) And if ſuch juſtices ſhall upon proof convict the perſons accuſed, the ſaid juſtice ſhall demand from ſuch offenders the penalties impoſed by this act, and receive the ſame, and in default of payment, commit the offender to the gaol of the county till he ſhall have made payment of the ſame; which ſum ſhall be applied to the uſe of the poor of the reſpective pariſhes where ſuch offences ſhall be committed.

Saving for travellers.

XXIII. *ſect.* 10. Provided that nothing herein contained ſhall extend to perſons who have been in any inns before, and deſign to abide there on Sunday, but it ſhall be lawful for ſuch perſons to remain in ſuch inns and publick houſes, as if this act had never been made.

Hops.

Lace, cambrick, lawn, hops, glaſs imported, forfeited and treble, and the ſhip, &c.

I. *Stat.* 21 & 22 *Geo.* 3, *cap.* 1. *ſect.* 27. No gold or ſilver lace, cambricks or lawns, except manufacture of Great Britain, nor any hops, except growth of Great Britain, or one of the Britiſh colonies in America, or the Weſt Indies, nor any glaſs, except from Great Britain, ſhall from twenty fifth December one thouſand ſeven hundred and eighty one, be imported in any ſhip or veſſel under penalty of forfeiture of all ſuch, and treble value, and of forfeiture of the ſhip or veſſel in which imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety to your Majeſty, your heirs, and ſucceſſors, the other to him or them who ſhall ſeize or ſue by action, bill, plaint, or information in exchequer, wherein no wager of law, protection, eſſoign, or other dilatory plea allowed.

Horſes.

Plowing by the tail.

I. *Stat.* 10 & 11 *Car.* 1. *cap.* 15. *ſect.* 1. No perſon ſhall plough, harrow, draw, or work with any horſe, garran, or colt, by the tail, nor ſhall ſuffer any other to plough up or harrow his ground, or to draw any other carriages with his horſes by the tail; and if any ſhall do contrary to this act, the juſtices of aſſize at the general aſſizes, and the juſtices of peace at their quarter-ſeſſions, ſhall

ſhall enquire of and determine all offences contrary to this act, and puniſh the offenders by fine and impriſonment, as they in their diſcretion ſhall think fit.

II. *Stat.* 14 & 15 *Car.* 2. *cap.* 3. *ſect.* 1. Every hoſtler, innholder, or others, who ſhall take upon them the charge and keeping of horſes, geldings, or mares, in ſtables or out grounds, ſhall be anſwerable for ſuch horſes, &c. which ſhall be delivered to them to be kept. Hoſtlers to be anſwerable.

III. *Stat.* 4 *Ann. cap.* 11. *ſect.* 1. The proprietor, farmer, or chief keeper of every fair and market *overt*, ſhall before the twenty fifth day of December yearly, appoint a particular open place where horſes, &c. ſhall be uſed to be ſold, in which place there ſhall be by the proprietor or keeper of the fair or market appointed, one ſufficient perſon to take toll, and keep the ſame place from ten of the clock before noon until ſun-ſet every day of the fair or market, to enter the ſale, gift or exchange of every horſe, &c. ſold, exchanged, or paſt away, upon pain to forfeit for every default twenty ſhillings. Places for ſale of horſes.

(2) And on the bargain, exchange, or gift of every horſe, &c. in any fair or market, all the parties making the bargain, exchange, or gift of every horſe, &c. ſhall be preſent, and alſo the horſe, &c. ſold, exchanged, given or put away, ſhall be produced before ſuch perſon ſo appointed; and when they are all preſent, and not before, ſuch book-keeper, toll-keeper, or other perſon, ſhall write in a book the names, ſir-names, and dwelling-places of all the ſaid parties, and the colour, with one ſpecial mark at leaſt of every ſuch horſe, &c. on pain to forfeit for every default twenty ſhillings. Entries to be made.

IV. *ſect.* 2. And the perſon appointed to be keeper of the ſaid book, ſhall within one day next after every ſuch fair or market, deliver his ſaid book to the proprietor, farmer or chief keeper of the ſaid fair or market, who ſhall then cauſe a note to be made of the number of all horſes ſold, exchanged, &c. at the ſaid market or fair, and ſhall ſubſcribe his name, or ſet his mark thereunto, on pain on every default therein to forfeit twenty ſhillings. Book to be ſubſcribed.

V. *ſect.* 3. The ſale, gift, or exchange in any fair or market *ouent*, of any horſe, &c. that ſhall be ſtolen, ſhall not alter the property, unleſs the ſaid horſe, &c. ſhall be in the time of the fair or market wherein the ſame ſhall be ſo ſold, given, or exchanged openly ridden, walked or kept by the ſpace of one hour together at the leaſt, betwixt ten of the clock in the morning and the ſun ſetting, in the open place of the fair or market wherein horſes are uſed to be ſold, and not within any houſe or private place, and unleſs all the perſons making the bargain, gift, or exchange ſhall alſo come together and bring the horſe, &c. ſo ſold, exchanged, or given, to the open place appointed for the book-keeper, and there enter their chriſtian-names, ſir-names, and dwelling-places, in manner aforeſaid, with the colour, and one ſpecial mark at the leaſt, of the horſes, &c. in the keeper's book. *Eng. Stat.* 2 & 3 *Phil. & Mar. cap.* 7. Requiſites to be performed.

VI. *ſect.* 4. No perſon ſhall in any fair or market ſell, give, or exchange any horſe, &c. unleſs the book-keeper or chief officer of the market or fair, will take upon him perfect knowledge of the perſon that ſhall offer to ſell, give, or exchange any horſe, and his true chriſtian name, ſir-name, and place of reſidence, and ſhall enter all the ſame his knowledge in a book kept for ſale of horſes, or elſe that he ſo offering to ſell, give, or exchange any horſe, ſhall bring to the book-keeper one credible perſon that will teſtify before ſuch book-keeper that he knoweth the party that ſo ſelleth, &c. ſuch horſe, &c. and his true Vouchers to be entered.

name, ſir-name, myſtery, and dwelling-place, and there enter in ſuch book as well the true chriſtian-name, ſir-name, myſtery, and place of abode of him who ſo ſelleth, &c. ſuch horſe, &c. as of him who ſo ſhall avouch his knowledge of the ſame perſon, and ſhall alſo enter the price that he ſhall have for the ſame; and no book-keeper ſhall enter any ſale, gift, or exchange of any horſe, unleſs he knoweth the party who ſo ſelleth, &c. ſuch horſe, &c. and his true chriſtian name, ſir-name, myſtery, or place of reſidence, or the party who ſhall ſo avouch.

Note from the book-keeper.

(2) And ſuch book-keeper ſhall give to the perſon ſo buying, or taking by gift or exchange, ſuch horſe, &c. requiring and paying three-pence for the ſame, a note in writing of the contents of the ſame, ſubſcribed with his hand, upon pain that the perſon making any untrue avouchment, and every perſon, ſo ſelling, giving, or exchanging any horſe, without being known to the book-keeper, or other officer aforeſaid, or without bringing ſuch a voucher, cauſing the ſame to be entered.

Book-keeper neglecting, ſales void.

(3) And every book-keeper, toll-keeper, or other officer of fair or market, neglecting to do his duty, ſhall ſeverally forfeit for every ſuch default twenty ſhillings; and alſo every ſale, gift, or exchange of any horſe in fair or market, not uſed in all points according to the meaning of this act, ſhall be void.

Recovery of penalties.

(4) The ſaid ſeveral penalties to be recovered before the juſtices of aſſize where they ſit, and where they do not ſit, then before the juſtices of the peace at their ſeveral quarter-ſeſſions, and levied by their reſpective warrants by diſtreſs on the goods of every perſon making default, and ſale of ſuch goods, returning the overplus, &c.

Determining offences.

VII. *ſect.* 5. The judges of aſſize in their reſpective circuits, and the juſtices of the peace of every place where the judges of aſſize do not ſit, ſhall in their reſpective aſſizes and ſeſſions within the limits of their commiſſion, inquire and determine all offences againſt this ſtatute.

Diſpoſal of penalties.

VIII. *ſect.* 6. All the penalties in this act ſhall be the one half to the poor of the pariſh where the offence is committed, or other publick work, as the judges of aſſize and juſtices of the peace in their ſeſſions ſhall reſpectively order, and the other moiety to the perſon who will ſue for the ſame. *Eng. Stat.* 31 *Eliz. cap.* 12.

Horſe-races.

Running for leſs than twenty pounds.

I. *Stat.* 13 *Geo.* 2. *cap.* 8. *ſect.* 12. Any perſons who run or ſhall cauſe to be run any horſe, mare, or gelding, for any wager, ſums of money, or any prize, plate, or other goods of leſs value than twenty pounds, ſhall for every ſuch offence forfeit ſuch horſe, and alſo the further ſum of twenty pounds, and every perſon who ſhall wilfully be preſent at ſuch race or horſe-courſe, ſhall forfeit five ſhillings, all which forfeitures and penalties ſhall be recovered before any juſtice of the peace or chief magiſtrate within their reſpective juriſdictions, who upon confeſſion of the parties, or due proof upon oath of one credible witneſs, may hear and determine the ſame, and by warrant under their hand and ſeal directed to a conſtable, ſeize ſuch horſes ſo forfeited, and levy ſuch ſums adjudged againſt any ſuch perſons, by diſtreſs and ſale of their goods, rendering the overplus if any to the owners; and if in ſix days after iſſuing ſuch warrant, ſuch horſe, &c. cannot be found

and

and ſeized by ſuch conſtable, ſuch juſtice or chief magiſtrate ſhall upon examination of one witneſs, aſcertain the value of ſuch horſe, &c. and by his warrant levy ſuch value by diſtreſs and ſale of the offenders goods, in manner as aforeſaid.

Putting in ſtocks.

(2) And in caſe ſuch penalties ſo forfeited and adjudged, are not paid, or the offender hath not ſufficient goods on which the ſame can be levied, they ſhall be put in the ſtocks for three hours.

Conſtables to ſeize.

(3) And all high and petty conſtables are hereby required to ſeize all ſuch horſes, &c. ſo ſoon as may be after ſuch races, and carry them before the next juſtice or chief magiſtrate, that the offenders may be proceeded againſt in manner aforeſaid.

Appeal.

(4) Provided that where ſuch penalty or forfeiture exceeds ten pounds, and any perſon thinks himſelf aggrieved by any adjudication, he may appeal to the next going judge of aſſize, who in a ſummary way may finally determine the ſame.

Diſpoſal of penalties.

II. *ſect.* 13. All ſums of money ſo levied, and the money ariſing by the ſale of ſuch horſe, &c. which the perſon ſeizing the ſame, is hereby authorized to ſell, ſhall be diſtributed, one third part thereof to the poor of the pariſhes where ſuch races were, one other third part thereof to the *incorporated ſociety* for promoting *Engliſh proteſtant ſchools*, and the other third part to the informer; provided that it ſhall be lawful for the corporation of horſe-breeders in the county of Down, incorporated under his Majeſty's charter, to continue their races according to the powers given them by the ſaid charter, without being ſubject to any of the penalties mentioned in this act.

Proſecution in three months.

III. *ſect.* 14. No perſons ſhall be proſecuted for any of the offences committed againſt this act, unleſs they be proſecuted for the ſame within three months after the offence committed.

General iſſue.

IV. *ſect.* 15. If any ſuit ſhall be proſecuted for any thing done in purſuance of this act, ſuch ſuit ſhall be commenced within three calendar months next after the fact was committed, and ſhall be laid or brought in the county or place where the cauſe of action ſhall ariſe, and the defendants may plead the general iſſue, &c. and if the plaintiffs ſhall become nonſuited, or diſcontinue their ſuits, or if upon demurrer judgment ſhall be given againſt the plaintiffs, the defendants ſhall recover treble coſts.

Hoſpitals.

Hoſpitals founded by the King.

I. *Eng. Stat.* 2 *Hen.* 5. *cap.* 1. As to hoſpitals which be of the patronage and foundation of the King, the ordinaries by virtue of the King's commiſſions, ſhall inquire of the manner and foundation of the ſaid hoſpitals, and of the governance and eſtate of the ſame, and of all other matters requiſite, and the inquiſitions thereof taken ſhall certifie in the chancery.

Ordinaries may inquire.

(2) And as to other hoſpitals, the ordinaries ſhall inquire of the manner of the foundation, eſtate, and governance of the ſame, and of all other matters neceſſary, and upon that make correction and reformation after the laws of holy church.

II. *Stat.* 7 *Geo.* 3. *cap.* 8. *ſect.* 1. Every archbiſhop, biſhop, dignitary, prebendary, having any lands near any town and convenient for the ſite of any county infirmary, with conſent of his dean and chapter, under common ſeal,

and

6 G. 3. c. 20. amended, Biſhops, &c. with conſent of chapter, corporate bodies, may leaſe in perpetuity and reverſion not above 2 acres for county infirmary.

and the governors of any charity being a corporate body, and all other corporate bodies having lands ſo ſituated, may make leaſes under their corporate ſeals in perpetuity and in reverſion on the expiration of any ſubſiſting leaſe, to the reſpective governors of any county infirmary or hoſpital of any quantity of ground not exceeding two acres, or of one or more houſes contiguous with each other at a reaſonable rent; which leaſes ſaid governors are hereby impowered to take for erecting an infirmary or hoſpital for any county; and for converting ſuch houſe or houſes into an infirmary or hoſpital for any county.

Phyſician examined, and certificate from the college.

III. *ſect.* 2. No perſon ſhall be appointed phyſician to any county infirmary, who ſhall not be examined and certified, to be duly qualified under ſeal of the college of phyſicians in Ireland.

Recital 11 & 12 G. 3. c. 11. ſ. 17.

IV. *Stat.* 13 & 14 *Geo.* 3. *cap.* 17. *ſect.* 1. Whereas by an act the eleventh and twelfth of his preſent Majeſty, every poor child, under ſix years, found or taken up within the city or liberties, or ſent to the foundling hoſpital, ſhall be received and kept therein, or ſent to nurſe therefrom; and all children, who ſhall appear to be ſix years old, and whoſe age ſhall not be thought to exceed eight years, and ſhall be preſented to the governors of ſaid hoſpital, ſhall be by them received; provided there ſhall be proper room, and ſuch children appear ſound in mind and body: and whereas the number of children of ſix years old and under have of late years increaſed ſo far beyond the expectation of the governors, that the expence of ſupporting them has exceeded every proviſion that could be made, excluſive of grants of parliament: therefore that the funds for ſupport of the foundling hoſpital and work houſe ſhall be applied to the proper uſe, after the 24th of June 1774, there ſhall not be received into ſaid hoſpital, or ſent to nurſe therefrom, any child, who ſhall appear to be of the age of three years old, and upwards, upon any account whatſoever; any law to the contrary notwithſtanding.

children 3 years old not received or ſent to nurſe from the foundling hoſpital.

From 24 June 1774, to 24 June 1776, every houſe in Dublin or liberties of 10l. yearly, as rated for miniſter's money, to pay additional 4d. per l. half yearly, 400l. yearly to his majeſty's uſe, ſurplus to hoſpital.

V. *ſect.* 2. After the 24th of June 1774, to the 24th of June 1776 inclusive, and no longer, there ſhall be raiſed, collected, levied, and paid, from and upon every houſe in the city of Dublin and liberties thereof, of the value of ten pounds yearly and upwards, according to the valuation for miniſter's money, four pence in the pound yearly, over and above the ſums now payable thereout; the ſame to be paid by half yearly payments; four hundred pounds yearly of the produce thereof to be paid into the treaſury to uſe of his majeſty, his heirs and ſucceſſors, and the ſurplus to the governors, towards ſupport of ſaid foundling hoſpital and work houſe.

Fees received and accounted for as a further aid.

VI. *ſect.* 3. The ſix pence per pound, and all other fees payable to vice-treaſurers, paymaſter or receiver general, upon iſſuing or payment of ſaid four hundred pounds yearly, or of any part thereof, ſhall be received for uſe of his majeſty, his heirs and ſucceſſors, during the term aforeſaid, and duly accounted for, as a further and additional aid hereby given and granted.

Said duty on houſes raiſed and paid (except the 400l. yearly) as by the laws in force for ſaid hoſpital and work-houſe.

VII. *ſect.* 4. The duty on houſes hereby granted, ſhall be raiſed, anſwered, collected, and paid, unto the governors of ſaid hoſpital, during the term aforeſaid, at ſame time, in like manner, and by ſuch ways, means, and methods, and for ſuch purpoſes, ſave only as to ſaid four hundred pounds yearly, as appointed and directed by laws now in force, relating to ſaid foundling hoſpital,

pital and work-houſe, as fully and effectually to all intents and purpoſes, as if particularly expreſſed in this act.

VIII. *ſect.* 5. Whereas by an act eleventh and twelfth of his preſent majeſty, *for better regulating the foundling hoſpital and work-houſe in the city of Dublin*, the governors of ſaid hoſpital have power to licenſe ſuch perſons as drive any carriage, that ſhall bring into ſaid city or liberties, for hire or ſale, or otherwiſe, any materials employed in building or paving; and it is inconvenient that carriages, not employed for ſale or hire, ſhould be obliged to take out licences: it ſhall be lawful for any perſon whatſoever, who ſhall have any cart, car, or other carriage employed in bringing into ſaid city any bricks, ſtones, ſand, gravel, lime, or other materials uſually employed in building or paving, for their own uſe, and not for ſale or hire, to uſe the ſame in manner aforeſaid, without taking any licence whatſoever; any thing in the recited act notwithſtanding.

Notwithſtanding 11 & 12 G. 3. c. 11. ſ. 21. carts, &c. may be brought into Dublin with materials for building or paving, not for ſale or hire, without licence.

IX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 42. *ſect.* 4. Whereas a perpetual leaſe of two acres, at a pepper corn rent, have been granted in Mohill in county of Leitrim, for erecting an infirmary: the governors of the hoſpital or infirmary of the county of Leitrim may accept of the grant of ſaid leaſe, and upon the ground granted erect an infirmary or hoſpital, which ſhall be deemed the hoſpital or infirmary of county of Leitrim; and the ſaid infirmary, and governors thereof, for ever hereafter, ſubject to ſame government and regulations, and have and enjoy all ſame powers, rights, immunities, privileges, gifts, grants, benefits, and emoluments whatſoever, as fully, by virtue of the recited ſtatute, or otherwiſe, as if erected in Carrick-upon-Shannon, or within one mile of the court houſe therein; any thing in ſaid ſtatute to the contrary notwithſtanding.

Leitrim infirmary at Mohil as if at Carrick purſuant to 5 G. 3. c. 20.

X. *Stat.* 13 & 14 *Geo.* 3. *cap.* 43. *ſect* 1. Whereas an act paſſed in the fifth of his preſent Majeſty, *for erecting publick infirmaries*, and the county of Dublin by miſtake hath not been provided for: the Meath hoſpital ſhall after the 24th of June 1774, be created, and founded, erected, and eſtabliſhed the hoſpital or infirmary for ſaid county, and be for ever hereafter deemed and conſidered, to all intents, the hoſpital for ſaid county, to be endowed with, and entitled to all emoluments, rights, liberties, privileges, and advantages, as fully and effectually as any other county hoſpital, in and by ſaid act provided for and mentioned.

Meath hoſpital the county of Dublin infirmary, as by 5 G. 3. c. 20.

XI. *ſect.* 2. The annual ſalary of one hundred pounds, uſually granted to the phyſician and ſurgeon, paid and appropriated to the maintenance and general fund for neceſſaries in ſaid hoſpital; and in all other reſpects ſaid hoſpital ſhall be ſubject to like rules and regulations, as other county hoſpitals in ſaid act; ſave only, that the preſent phyſicians and chirurgeons of ſaid Meath hoſpital ſhall be appointed phyſicians and chirurgeons of ſaid intended infirmary for county of Dublin: and that it may be lawful for ſaid phyſicians and chirurgeons, or a majority, to elect a phyſician or chirurgeon in the room of any who from time to time, by death, removal, or otherwiſe, ſhall make a vacancy in ſaid hoſpital, in conſideration of their having ſerved ſaid hoſpital gratis theſe ſeventeen years paſt, and having had a principal ſhare in ſupport thereof during that period, and in erecting ſaid building, as well as the relinquiſhing, in behalf of themſelves and their ſucceſſors in ſaid hoſpital,

The 100l. a year for the phyſician and ſurgeon appropriated to the general fund, the preſent phyſicians and ſurgeons,

continued with power to elect.

hoſpital, all claim or title to the annual ſalary of one hundred pounds, which they otherwiſe would be entitled to in conſequence of ſaid act; any thing heretofore, or in ſaid act to the contrary notwithſtanding.

To prevent frauds by money lenders;

all agreements and ſecurities by out penſioners for money due on penſion made void.

XII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 23. *ſect.* 1. Whereas out-penſioners of the hoſpital for antient and maimed officers and ſoldiers have of late ſuffered great impoſitions and diſtreſſes from fraudulent practices of money-lenders, from whom ſaid out-penſioners frequently take up money, on terms many times moſt uſurious and oppreſſive: all aſſignments, bargains, ſales, contracts, orders, letters, or powers of attorney, irrevocable or conveying intereſt, and agreements or ſecurities whatſoever, made by any out-penſioner, for, upon, or in reſpect of any ſum due, or to become due, for or on account of the penſion of ſaid hoſpital, to ſuch out-penſioners as have been or ſhall be admitted thereunto, ſhall from the 24th of June, 1776, be abſolutely null and void to all intents and purpoſes.

11 & 12 G. 3. c. 11. ſ. 10. recited;

governors of foundling and work-houſe may make bye-laws and regulations at quarterly or general meetings;

but not to have force of bye-laws, unleſs confirmed by 21 governors at meeting, and propoſed at general meeting 14 days before, and notice in ſummons;

no bye-law repealed, altered, or ſuſpended, but at quarterly meetings, 21 preſent, propoſed 14 days, and notice.

XIII. *Stat.* 15 & 16 *Geo.* 3. *cap.* 25. *ſect.* 1. Whereas by an act eleventh and twelfth of his preſent majeſty, the aſſiſtants appointed by the governors, or any five, are impowered to put in force laws and regulations, ordained at quarterly or general meetings, wherein eleven at leaſt preſent; and every rule, order, regulation, and bye-law ſubſiſting on the 23d of June 1772, is thereby made good and valid, ſubject to be amended, altered, or made null and void by ſaid governors, or any twenty one: the governors of the foundling hoſpital and work houſe of Dublin ſhall have full power and authority to make and ordain rules, orders, bye-laws, and other regulations at their quarterly or other general meetings or aſſemblies, holden in purſuance of ſaid act: provided no rule or regulation hereafter made by ſaid governors ſhall have the force of a bye-law, unleſs confirmed, twenty one governors at leaſt ſigning at a quarterly general meeting; the ſame having been firſt propoſed at ſome general meeting fourteen days at leaſt previous to ſaid quarterly meeting, and notice given of its being to be taken into conſideration in the ſummons for ſaid quarterly meeting; and no bye-law, hereafter made, ſhall be repealed, altered, or ſuſpended, except at a general quarterly meeting, twenty one governors at leaſt preſent, and alſo except the repeal, alteration, or ſuſpenſion, propoſed at ſome general meeting or aſſembly fourteen days at leaſt previous to ſuch quarterly meeting, and notice given thereof in the ſummons for ſuch quarterly meeting.

No governor to hold place of emolument.

XIV. *ſect.* 2. If any governor accept of or enjoy any place of profit, or any ſalary or emolument under ſaid corporation, he ſhall ceaſe to act as a governor, ſo long as he ſhall enjoy.

11 & 12 G. 3. c. 11. ſ. 37. recited;

XV. *ſect.* 3. Whereas by ſaid act all poor children under ſix years, found or taken up within ſaid city and liberties, or ſent to the foundling hoſpital, ſhall be received and kept, or ſent to nurſe; and all children who appear ſix years old, and not thought to exceed eight, ſhould be received, provided proper room, and ſuch children appear ſound in mind and body: and the number of children of ſix years and under have of late years increaſed ſo far beyond the expectation of ſaid governors, that the expence of ſupporting them has exceeded every proviſion that could be made, excluſive of grants by parliament: that the funds appointed for ſupport of the foundling hoſpital and work-houſe ſhall be applied to the proper uſe: from the 24th of June 1776, there

there ſhall not be received into ſaid hoſpital, or ſent to nurſe therefrom, any child, who ſhall appear to be above one year old, upon any account whatſoever, any law to the contrary notwithſtanding.

no child appearing above 1 year old received or ſent to nurſe.

XV. *ſect.* 4. The governors, or any eleven, or the court of aſſiſtants, or any five, may, where any fine incurred, or liable to be impoſed by ſaid firſt recited act, impoſe or inflict only ſuch part, according to the nature of the offence, as they in diſcretion judge proper; ſo as ſuch fine ſhall not be leſs than twenty ſhillings; any thing in ſaid act to the contrary notwithſtanding.

11 governors or 5 aſſiſtants may reduce fines, not under 20s.

XVI. *ſect.* 5. Inſtead of the days in ſaid act for quarterly meetings, ſaid aſſemblies ſhall be held on every ſecond of February, firſt of May, firſt of Auguſt, and firſt of November every year, unleſs any of ſaid days happen to fall upon a Sunday, in which caſe ſuch meeting ſhall be held on the Monday immediately following; and every act, matter, or buſineſs, by ſaid recited or this act ordered, directed, or allowed to be done at any of ſaid quarterly meetings, ſhall and may be done on any of ſaid days, except that the court of aſſiſtants ſhall be always elected on the firſt of May every year, or, if ſaid day happen to fall upon a Sunday, on the Monday immediately following.

Quarterly meetings every 2d Feb. 1ſt May, Aug. & Nov. if Sunday the Monday after;

aſſiſtants always elected 1ſt May, unleſs Sunday.

XVII. *ſect.* 6. No rule or order relating to the internal management of ſaid hoſpital, made at any meeting of aſſiſtants, ſhall at any time be valid, or conſtrued ſo, unleſs five members preſent ſhall on ſame day ſign their names in the book, in which the orders and reſolutions relative to the ſame uſually entered.

No order of aſſiſtants valid, unleſs 5 preſent ſign the book ſame day.

XVIII. *ſect.* 7. Whereas by ſaid firſt recited act there ſhall be paid unto the governors and ſucceſſors ſix pence in the pound yearly rent of houſes, as returned for miniſters money in the city, ſuburbs, and liberties; and where no ſuch valuations, or ſuch houſes extra-parochial, a new valuation may be made in manner in ſaid act; and it has been difficult to aſcertain the valuation of ſeveral of thoſe houſes, whereby the funds for ſupport of ſaid hoſpital have been conſiderably diminiſhed: and ſeveral houſes, not charged with miniſters money, are charged with pariſh or county ceſs: it ſhall be lawful for ſaid governors, until a valuation of ſuch houſes for collection of miniſters money ſhall be made, to charge all ſuch houſes with ſix pence in the pound, and with all other taxes chargeable thereon, for uſe of ſaid foundling hoſpital and work-houſe, to be aſcertained by, and applotted, according to any pariſh or county ceſs, which hath been or ſhall be made, to charge any ſuch houſe with payment of any pariſh or county ceſs.

11 & 12 G. 3. c. 11. ſ. 51. recited;

till valuation for miniſter's money, houſes charged with 6d. per £. and taxes according to pariſh or county ceſs.

XIX. *Stat.* 13 & 14 *Geo.* 3. *cap.* 31. *ſect.* 2. Whereas by the act of the thirteenth and fourteenth of his preſent Majeſty, the building, called the Meath Hoſpital, ſhall from the 24th of June 1774, be created, founded, erected, and eſtabliſhed the hoſpital or infirmary for the county of Dublin; but a doubt hath been conceived, whether the proviſion thereby made as to the bodies corporate and governors, or in reſpect of the ſeveral infirmaries and hoſpitals in the ſeveral counties, mentioned in an act fifth year of his preſent Majeſty, touching county hoſpitals, doth extend to the ſaid Meath Hoſpital, now the county hoſpital, under the preſent circumſtances thereof: the archbiſhop of Armagh, the lord chancellor, the biſhop of the dioceſe, and rector or vicar of the pariſh in which the ſaid hoſpital is ſituated, and alſo every

13 & 14 G. 3. c. 43. ſ. 1. recited;

doubt thereon;

incorporated; with like powers as governors of other county hoſpitals in 5 G. 3. c. 20.

donor and contributor to ſaid hoſpital, as herein after mentioned, ſhall be a body corporate, governors and governor of ſaid hoſpital, with like powers as the governors of other county hoſpitals in ſaid act of fifth of his preſent Majeſty; and donors and contributors to ſaid hoſpital ſhall be governors, as follows; every donor of not leſs than ten pounds ſhall be a perpetual member and governor; and every perſon, who ſhall ſubſcribe and pay annually for uſe of ſaid hoſpital one guinea, ſhall be a member and governor for one year from the time of ſuch ſubſcription and payment, and no longer.

donor of 10l. a perpetual governor; of 1 guinea annually for 1 year.

Recital 5 G. 3. c. 20. whereby tenant for life may leaſe in perpetuity, and 7 G. 3. c. 8. biſhops and corporate bodies,

XX. *Stat.* 17 & 18 *Geo.* 3. *cap.* 15. *ſect.* 1. Whereas by an act fifth of his preſent Majeſty tenants for life are impowered to make fee farm grants or leaſes in perpetuity, for erecting a county infirmary or hoſpital: and by an act ſeventh of his preſent Majeſty to amend the ſaid act archbiſhops, biſhops, and other corporate bodies are impowered to make leaſes in perpetuity and in reverſion, but no proviſion is made by ſaid acts to enable teſtamentary guardians, which has prevented erecting infirmaries in places proper: it ſhall be lawful for teſtamentary guardians of any minors to leaſe in perpetuity any quantity of land not exceeding two acres, and not being part of the demeſne land of any minors, at the moſt improved rent, to the governors of any county infirmary or hoſpital, which leaſes the ſaid guardians are impowered to make reſpectively for erecting an infirmary or hoſpital for any county, provided ſuch leaſe be approved of by the chancellor, keeper, or lords commiſſioners, by order upon a petition for that purpoſe.

teſtamentary guardians may leaſe in perpetuity not above

Doubts on 13 & 14 G. 3. c. 43.

Preſentment by grand jury;

XXI. *Stat.* 19 & 20 *Geo.* 3. *cap.* 44. *ſect.* 21. Whereas doubts have ariſen, whether by thirteenth and fourteenth of his Majeſty term grand juries of county of Dublin are impowered to raiſe any ſum by preſentment for the Meath hoſpital, now the eſtabliſhed publick infirmary: grand juries for ſaid county ſhall at Eaſter or Michaelmas term every year preſent not exceeding one hundred nor leſs than fifty pounds upon ſaid county, and paid to the treaſurer, to be by him paid to treaſurer of ſaid hoſpital on his drafts or receipts, which ſhall be allowed as vouchers to county treaſurer in accounts, and be applied by the governors in providing neceſſaries for the patients, in repairing the building and furniture, and paying the rent.

application.

Not above £100 in one year.

XXII. *ſect.* 22. No greater ſum than one hundred pounds ſhall be raiſed off ſaid county in any one year for purpoſes aforeſaid.

A publick act, continued from 1ſt of next Michaelmas term to 22d June 1819.

XXIII. *ſect.* 26. This act deemed a publick act, and judicially taken notice of as ſuch without ſpecially pleading, and ſhall have continuance from firſt day of next Michaelmas term after paſſing of this act inclusive until the twenty ſecond June one thouſand eight hundred and nineteen, and no longer.

100l. yearly paid by vice treaſurer for St. John's hoſpital in Limerick,

allowed in account.

XXIV. *Stat.* 21 & 22 *Geo.* 3. *cap.* 13. *ſect.* 1. Whereas a publick infirmary or hoſpital, called St. John's hoſpital has been erected and ſupported in Limerick by voluntary contributions, which are not ſufficient: the yearly ſum of one hundred pounds ſhall be paid out of the publick money to the treaſurer of ſaid infirmary by the vice treaſurer or deputies; the firſt payment to be made on firſt of April next; ſaid treaſurer giving his receipts for the ſame, which receipts

receipts ſhall be allowed as vouchers to ſaid vice treaſurers or deputies in paſſing accounts.

XXV. *ſect.* 2. Grand jury of county of ſaid city at next ſummer aſſizes, and every ſummer aſſizes afterwards, ſhall have power to preſent a ſum, not exceeding one hundred pounds, or leſs than fifty, to be raiſed in ſaid city, and county of ſaid city, and to be paid to treaſurer thereof, and by him to treaſurer of ſaid hoſpital on his drafts or receipts, which ſhall be allowed to the treaſurer of ſaid county in paſſing accounts. Preſentment every ſummer aſſizes, not above 100l. nor under 50l. for ſaid hoſpital.

XXVI. *ſect.* 3. The ſums, ſo paid to treaſurer of ſaid hoſpital, ſhall be appointed by the governors and governeſſes of ſaid hoſpital, to be applied in payment of phyſicians or ſurgeons, or for ſuch other purpoſes as they think adviſeable for benefit of ſaid hoſpital and patients therein. Said ſums applied by the governors of ſaid hoſpital.

Husbandry.

I. *Stat.* 25 *Hen.* 6. *cap.* 7. *ſect.* 1. The ſons of huſbandmen and labourers ſhall be labourers and travailers upon the ground, as they were in old time, and in all other works and labours lawful and honeſt according to their ſtate. And if any ſuch ſon of huſbandman or of labourer do the contrary, and thereof be convicted before any judge of the King, or judge of franchiſe, he ſhall have the impriſonment of one year, and make fine to the King, or to the lord of the franchiſe, according to the diſcretion of the judge before whom he is convicted. Sons of huſbandmen.

II. *Stat.* 28 *H.* 8. *cap.* 24. *ſect.* 4. Every perſon which be not able to keep their children to ſchool at the age of ten years, ſhall put them to handycrafts or huſbandry, upon pain of ſix ſhillings eight-pence to be forfeit. Children of poor perſons.

III. *Stat.* 1 *Geo.* 2. *cap.* 10. *ſect.* 7. Every perſon who ſhall keep in their own actual poſſeſſion or occupation any quantity of arable or paſture land, bog, mountain, rocky, craggy, or fenny-land, not fit for ploughing, woodland, meadow and parks incloſed, with walls or pales, only excepted, amounting to one hundred acres plantation meaſure, ſo as the ſame do not lie within five miles of the city of Dublin, ſhall annually till, plough, and ſow with corn or grain five acres at the leaſt plantation meaſure, and ſo proportionably for any greater quantity of any ſuch arable or paſture land, other than as before excepted, that they ſhall ſo poſſeſs or occupy, notwithſtanding any covenant or agreement between landlord and tenant to the contrary; from which covenants and agreements, ſo far as the ſame relate to the ploughing of the ſaid five plantation acres, the tenants are diſcharged. Quantity of land to be ploughed.

(2) And every ſuch occupier or poſſeſſor who ſhall neglect ſo to do, ſhall forfeit for every acre that ſhall not be tilled, ploughed, and ſowed according to the intent hereof, forty ſhillings, to be recovered by civil bill. Penalty for not ploughing.

IV. *ſect.* 8. Provided that no perſons who are hereby indemnified and diſcharged from ſuch covenants or agreements as aforeſaid, ſhall have liberty to graft up or burn the ſod of any of the land demiſed to them, without the conſent of the perſons to whom the immediate freehold and inheritance of the lands ſhall belong. Burning the ſod.

Identitate nominis.

Writ to be granted.

I. *Eng. Stat.* 37 *Edw.* 3. *cap.* 2. For the miſchiefs which happen of that the eſcheators, ſheriffs, and other miniſters, ſeize the lands and goods of many, ſurmiſing that they be outlawed, becauſe they bear ſuch names as thoſe which be outlawed, it is ordained, that if any complain him in ſuch caſe, he ſhall have a writ of *identitate nominis*, as hath been uſed.

Surety to be given.

(2) And if any man's lands or goods be ſeized in ſuch caſe, he ſhall find ſurety before the miniſter which hath the warrant to ſeize, to anſwer to the King of the value of ſuch lands or goods, in caſe that he cannot diſcharge himſelf without taking any thing of the party.

Double damages.

(3) And if ſuch miniſter do not the ſame, and thereof be attainted, the party ſhall recover his double damages, and he ſhall be grievouſly amerced towards the King.

Writ for executors.

II. *Eng. Stat.* 9 *Hen.* 6. *cap.* 4. A writ of *identitate nominis* may be maintainable for executors of every teſtator as well as for any perſon himſelf.

Idiots and Lunaticks.

Lands to be in ward.

I. *Eng. Stat.* Prærog. Reg. 17 *Edw.* 2. *cap.* 9. The King ſhall have ward of the lands of natural fools, taking the profits without waſte or deſtruction, and find them neceſſaries; and after the death of ſuch idiots, he ſhall render it to the right heirs, ſo that ſuch idiots ſhall not alien, nor their heirs be diſherited.

No waſte of lands.

II. *Eng. Stat.* Prærog. Reg. 17 *Edw.* 2. *cap.* 10. The King ſhall provide when any that before time hath had his wit and memory, happen to fail of his wit *per lucida intervalla*, that their lands ſhall be kept without waſte or deſtruction.

Convenient maintenance.

(2) And that they and their houſhold be conveniently maintained with the profits, and the reſidue beſides their ſuſtentation ſhall be kept to their uſe, to be delivered unto them when they come to right mind, ſo that ſuch lands ſhall in no wiſe be aliened.

Reſidue diſtributed.

(3) And the King ſhall take nothing to his own uſe; and if the party die in ſuch eſtate, the reſidue ſhall be diſtributed.

Conveyances of truſt-eſtates.

III. *Stat.* 5 *Geo.* 2. *cap.* 8. *ſect.* 1. It ſhall be lawful for perſons being idiot, lunatick, or *non compos mentis*, or for the committees of ſuch perſons in their names, by the direction of the lord chancellor, or the lord keeper or commiſſioners of the great ſeal, ſignified by an order made upon hearing all parties concerned, on the petition of the perſons for whom ſuch idiot, &c. ſhall be ſeized or poſſeſſed in truſt, or of the mortgagors, or of the perſons intitled to the money ſecured upon any lands, whereof ſuch idiot, &c. ſhall be ſeized by way of mortgage, or of the perſons intitled to the redemption thereof, to convey ſuch lands in ſuch manner as the lord chancellor, &c. ſhall by ſuch order direct; and ſuch conveyance ſhall be as effectual as if the ſaid perſons being idiot, lunatick, or *non compos mentis*, were at the time of making ſuch conveyance of *ſane* mind, &c. and had executed the ſame.

Compellable to aſſign.

IV. *ſect.* 2. Such perſons being idiot, lunatick, or *non compos mentis*, and only truſtees, or mortgagees, or the committees of ſuch perſons being idiot, &c.

&c. and only truſtee or mortgagee, ſhall be impowered and compelled by ſuch order ſo as aforeſaid to be obtained, to make ſuch conveyances as aforeſaid, in like manner as truſtees or mortgagees of ſane memory are compellable to convey, ſurrender or aſſign their truſt-eſtates or mortgages. *Brit. Stat.* 4 *Geo.* 2. *cap.* 10.

Import.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 9. *ſect.* 13. After this act, and during the preſent hoſtilities, it ſhall be lawful for any perſons admitted into, and made free of the company of merchants trading into the Levant ſeas, commonly called by the name of the Turkey company, to import any goods or commodities which have been uſually heretofore, or may by law be imported from Turkey or Egypt, or any place within dominions of grand ſeignor within the Levant ſeas, in any ſhip or veſſel built in, or belonging to Great Britain or Ireland, navigated according to law, or belonging to any kingdom or ſtate in amity, navigated by foreign ſeamen, from any port or place whatſoever in either or any of ſuch ſhips or veſſels, upon payment of ſame duties as the like goods would be ſubject and liable to if imported in Britiſh or Iriſh ſhips directly from the place of their growth, production or manufacture; but if ſuch goods imported in any foreign built ſhip or veſſel, the goods ſhall be ſubject to alien's duties, if ſuch goods would have been ſubject and liable thereto, if this act had not been made.

Turkey company may import Levant goods in Britiſh or Iriſh ſhips, &c on ſame duty as if from place of growth,

if in foreign ſhips, alien's duty.

II. *ſect.* 14. No entry ſhall be ſuffered to paſs at the cuſtom houſe for any ſuch goods of growth, production, or manufacture of Turkey or Egypt, or of any dominions of grand ſeignor, as before paſſing this act might be imported only from ſuch ports or places in the Streights or Levant ſeas, as are within dominions of the grand ſeignor, and which by this act are permitted to be imported in manner aforeſaid, until the perſon importing or entering ſhall produce to collector or proper officer of revenue at the port of importation a certificate under hand of collector of duties for the Turkey company, certifying ſuch perſon is free of ſaid company, and has paid the duties impoſed on ſaid goods by ſaid company, and conformed in all reſpects to rules and regulations of ſaid company relative thereto.

Certificate produced by importer to collector, of being free, and conforming to rules of the company.

III. *ſect.* 15. After this act, and during the preſent hoſtilities, any goods or commodities of growth, product, or manufacture of any place or country within the Streights or Levant ſeas, which have been uſually heretofore, or may by law be imported from any port or place in Europe within the Streights of Gibraltar, except ſuch goods or commodities as might heretofore be imported only from ſuch ports or places as are within dominions of the grand ſeignor, ſhall during this act, be imported and brought by any perſons whatſoever from any port or place whatſoever, not within dominions of the grand ſeignor, in any ſhip or veſſel built in, or belonging to Great Britain or Ireland, navigated according to law, or in any ſhip or veſſel belonging to any kingdom or ſtate in amity, navigated with foreign mariners, upon payment of ſame duties as like goods would be ſubject and liable to if imported directly from the place of growth, production, or manufacture; and if any ſuch goods imported in any foreign built ſhip or veſſel, the goods ſhall be ſubject to the alien's duties, if ſuch goods would have been ſubject and liable thereto by law if this act had not been made.

Goods from Levant (except grand ſeignor's dominions) imported in Britiſh or Iriſh ſhips, on ſame duties as if directly from place of growth, or in ſhips of ſtates in amity, navigated with foreigners,

if in foreign ſhips, alien's duty.

IV. *ſect.*

Goods imported in Portugueſe veſſels from Portugal, Azores, or Madeira.

IV. *ſect.* 16. Whereas ſeveral articles cannot by reaſon of the preſent hoſtilities be imported in ſhipping navigated according to laws now in force without great hazard and expence to importers; and it will tend to the general advantage of trade and manufacture of this kingdom, if ſome temporary relief be given: after this act, and during the preſent hoſtilities, it ſhall be lawful for any perſons to import any goods or commodities of growth, production, or manufacture of any iſland, colony, or plantation belonging to or under dominion of the crown of Portugal, in any ſhip or veſſel belonging to any ſubjects of the crown of Portugal, from any port or place in Portugal, or Weſtern iſlands commonly called the Azores or Madeira, any law, cuſtom, or uſage to contrary notwithſtanding.

Imports in ſhips of ſtates in amity, navigated by foreigners.

V. *ſect.* 17. After ſaid time, and during the preſent hoſtilities, it ſhall be lawful for any perſons to import all ſorts of wool, barrilla, jeſuits bark, linen yarn, hemp, flax, and flaxſeed, indigo, and cochineal from any country or place whatſoever, in any ſhip or veſſel belonging to any kingdom or ſtate in amity, navigated by foreign ſeamen, any law, cuſtom, or uſage to contrary notwithſtanding.

Liable to alien and other duties.

VI. *ſect.* 18. Such goods in purſuance of this act, imported in any foreign ſhip or veſſel, ſhall be ſubject and liable to alien's and all other duties in ſame manner as they ſhould be by law, if ſuch ſhips were of the built of the country of which the goods are the growth, production, or manufacture.

Italian organized thrown ſilk imported in any ſhip from any place until 25 March 1784.

VII. *ſect.* 19. After this act until the twenty fifth of March one thouſand ſeven hundred and eighty four, it ſhall be lawful for any perſons to import from any port or place, or in any ſhip or veſſel whatſoever, organized thrown ſilk of production or growth of Italy, not coarſer than the ſort known by the name of third Bolonia, and not being tram ſilk, any law to contrary notwithſtanding.

India-goods.

Importation of India-goods.

I. *Brit. Stat.* 7 *Geo.* 1. *cap.* 21. *ſect.* 9. No commodity of the product or manufacture of the Eaſt-Indies ſhall be imported into Ireland, the iſlands of Jerſey, Guernſey, Alderney, Sark or Man, or to any the plantations in Africa or America, belonging to the crown of Great Britain, but ſuch only as be ſhipped in Great Britain in ſhips navigated according to law, on penalty of forfeiting all ſuch goods, or the value thereof, together with the ſhip, &c.

Seizure of ſhips.

(2) And ſuch ſhip and goods may be ſeized and proſecuted in any courts of record in Weſtminſter or Dublin, or in any courts in ſuch iſlands, &c. where the offence ſhall be committed, or in the royal courts of Jerſey or Guernſey, by bill, plaint, &c. one moiety of the forfeiture to his Majeſty, the other to the proſecutor.

Officers conniving.

(3) And if any officer of the cuſtoms in Ireland, or in the ſaid iſlands, &c. ſhall connive at the fraudulent importation of ſuch commodities, or if any ſuch officer ſhall ſeize any of the ſaid commodities, and by fraud or colluſion deſiſt or delay the proſecution to condemnation, he ſhall forfeit 500l. to be recovered in manner aforeſaid, one moiety to his Majeſty, the other to the proſecutor, and ſuch officer ſhall be incapable of holding any employment under his Majeſty.

India-goods.

II. *Brit. Stat.* 12 *Geo.* 2. *cap.* 22. *ſect.* 3. The commiſſioners of exciſe in Ireland, or any three of them, or the ſub-commiſſioners of exciſe, or the major part of them reſpectively in their reſpective limits and diſtricts in Ireland, ſhall hear and determine all offences againſt any act of parliament now in force in Ireland, made for preventing the running or intending to run into the ſaid kingdom any commodity of the growth, product, or manufacture of the Eaſt-Indies or other places beyond the Cape of Good Hope. Cognizance of offences.

(2) And the ſaid commiſſioners and ſub-commiſſioners ſhall proceed in a ſummary way, and hear and give judgment thereupon, and direct the fines, penalties and forfeitures to be recovered and levied, in ſuch manner as in caſes of exciſe in Ireland, by any acts of parliament now in force in that kingdom. Summary proceeding.

III. *Stat.* 33 *Geo.* 2. *cap.* 10. *ſect.* 19. No perſon ſhall be permitted to enter on board any Eaſt-India or China ſhip, except the King's officers who are ſent on board, or ſuch other perſons as ſhall receive a permit or licence from the collector, or other ſuperior officer of the port, under the penalty of twenty pounds. Entering on board ſhips.

(2) And if any goods ſhall be found open on board the ſaid ſhips, the ſame ſhall be taken account of and made up in proper package, ſuited to the nature of ſuch goods, which goods when ſo packed up, ſhall be corded and ſealed, with a lead with the King's arms thereon, and an account of all ſuch goods ſo packed up, ſhall be tranſmitted to the commiſſioners, or other proper officers in the port of London. Goods found open.

(3) And any perſon breaking open any ſuch packs, bales, or other package ſo corded and ſealed, ſhall forfeit one hundred pounds. Breaking open package.

Indicavit.

I. *Eng. Stat.* de conjunctim feoffatis, 34 *Edw.* 1. A writ of *indicavit* ſhall not be granted before the ſuit hanging in the ſpiritual court between the parties be recorded, and the chancellor be certified thereupon by ſight of the libel. Record of ſuit.

Indictments.

I. *Stat.* 4 *Ann. cap.* 10. *ſect.* 1. No fees ſhall be demanded or received from any perſons againſt whom any indictment ſhall be preferred and returned *ignoramus* by the grand jury, for drawing or ingroſſing of ſuch indictment, or for the juries verdict of *ignoramus* thereon. Fees on indictments.

(2) And if any ſheriff, ſub-sheriff, clerk of the crown, or peace, judges clerk, or other perſon, ſhall demand or take from any perſon againſt whom any indictment ſhall be preferred, on which an *ignoramus* ſhall be found, or from any other on his or her behalf, any money or other reward for the drawing or ingroſſing ſuch indictment, or for ſuch verdict of *ignoramus*, every perſon ſo offending, ſhall for every ſuch offence forfeit twenty pounds, the one moiety thereof to be to the Queen, and the other moiety to them that will ſue for the ſame in any court of record within their reſpective limits, &c. Penalty on officers.

II. *ſect.*

Exception for treason, &c.

II. *sect.* 2. Provided that nothing herein contained shall extend to any indictments for treason, misprision of treason, felony or premunire.

No fees to be taken.

III. *Stat.* 3 *Geo.* 2. *cap.* 9. *sect.* 2. No fee shall be taken by any sheriff, sub-sheriff, clerk of the crown, clerk of the peace, their deputies, or other person, for any bill or judgment returned *ignoramus* by the grand-jury, from any person as to whom the same shall be so returned, or for any recognizance, discharge, or on any pretence relating to such bill, judgment, or recognizance, or discharge.

Penalty for offences.

(2) And if any person shall offend herein they shall forfeit to the party aggrieved 20*l.* to be recovered by action of debt in any of the four-courts, or by civil bill as small debts are recovered, with costs of suit.

Indigo.

Importing directly from colonies in their ships, or British, or Irish, manned as usual, good indigo fit for dyers, without mixture, the colony growth, premium 2*s.* 2*d.* every 6*lb.*

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 5. *sect.* 25. All who from twenty fifth December one thousand seven hundred and eighty one, import directly from any British colonies in America or West Indies, in any ship or vessel belonging to said colonies, or Great Britain or Ireland, and manned as usual, any good and merchantable indigo, free from any false mixtures, and fit for dyers use, growth or product of the colony whence imported, shall have a reward or premium after rate of two shillings and two pence for every six pounds weight, and so in proportion, paid to importer by collector or chief officer where imported, out of any money arising from any aid or duties then in his hands.

Certificate by commander,

and officer where landed,

granted in 10 days unless cause, premium paid thereon.

II. *sect.* 26. On importation of indigo from said places, a certificate shall be given by the master or commanding officer, that the same was shipped within such British colony or plantation in America, as in said certificate, and also a certificate signed by surveyors, land waiters, or searchers, or any two, being officers of revenue of the port where entered and landed, specifying the weight, and that said indigo is good and merchantable, free from false mixtures, and of such quality as intitled to said premium, which certificate said officers are required to grant within ten days next after landing, unless sufficient cause for refusal, upon producing which certificates to collector or chief officer such officer shall pay the premium to importer.

Entering foreign as plantation, or mixing, forfeited, the mixture and double value.

III. *sect.* 27. If any make, or cause to be made, entry of foreign indigo, under name of British plantation, or mix, or cause to be, any foreign indigo, or other false mixture or matter, with that made in British plantations, to claim the premium, every person making such entry, or mixing, shall forfeit all such indigo so entered; and in case of such mixture, the quantity so mixed, both foreign and British plantation made, and double value, shall be forfeited by the persons who make or cause such mixture.

No certificate, unless merchantable and free from mixture.

IV. *sect.* 28. No certificate shall be made out to allow the premium for such indigo manufactured and imported from British plantations, as shall not be good and merchantable, and free from false mixtures.

May be opened, shifted, and examined.

V. *sect.* 29. It shall be lawful for said officers, and they are required, before they make out any such certificate, to examine said indigo, by opening each package and shifting to see the whole, or by such other means as they think proper to discover whether good and merchantable, and free from false mixture.

VI. *sect.*

VI. *ſect.* 30. No certificate ſhall be granted by any ſurveyor or officer, for any indigo not worth three ſhillings and three pence the pound weight, when the beſt French or other indigo of equal goodneſs with the beſt French is worth four ſhillings and four pence, and ſo in proportion, in caſe the price of the beſt French or other indigo of equal goodneſs ſhall be at a higher or lower. No certificate if not worth 3s. 3d. per lb. when beſt French or other equal is 4s. 4d. and in proportion.

VII. *ſect.* 31. No fee, gratuity, or reward ſhall be demanded or received by any officer for examining, viewing, or delivering ſuch indigo, with reſpect to the premium allowed by this act, or for ſigning any certificates in order to receiving ſuch premium, or for paying; and any ſuch officer ſhall for ſuch offence forfeit his office, and alſo be incapable of ſerving your Majeſty, and forfeit one hundred pounds. No fee or reward, office forfeited, and 100l.

Infants.

I. *Stat.* Weſtm. 1. 3 *Edw.* 1. *cap.* 47. If any purchaſe a writ of *novel diſſeiſin*, and he againſt whom the writ was brought as principal diſſeiſor, dieth before the aſſiſe be paſſed, the plaintiff ſhall have his writ of entry upon diſſeiſin againſt the heir of the diſſeiſor of what age ſoever. Writ of entry.

(2) In the ſame-wiſe, the heirs of the diſſeiſee ſhall have their writs of entry againſt the diſſeiſors, or their heirs of what age ſoever, if the diſſeiſee die before he hath purchaſed his writ; and if the parties come to an inqueſt, and it paſſeth againſt the heir within age, he ſhall have an attaint of the King's ſpecial grace without giving any thing. Heirs of diſſeiſee.

II. *Stat.* Glouc. 6 *Edw.* 1. *cap.* 2. If a child within age be holden from his heritage, whereby he is driven to his writ, and his adverſary cometh into court, and alledgeth a feoffment, or pleadeth ſome other thing whereby the juſtices award an inqueſt, the inqueſt ſhall paſs as well as if he were of full age. Inqueſts ſhall paſs.

III. *Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 15. If ſuch as be within age be eloined, ſo that they cannot ſue perſonally, their next friends ſhall be admitted to ſue for them. Suit by next friend.

IV. *Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 40. Where any doth alien the right of his wife, the ſuit of the woman or her heir after the death of her huſband, ſhall not be delayed by the nonage of the heir that ought to warrantiſe, but let the purchaſer tarry until the age of his warrantor to have his warranty. Heir of warrantor.

V. *Stat.* 2 *Geo.* 1. *cap.* 6. *ſect.* 1. It ſhall be lawful for any perſon under the age of 21 years, by the direction of the court of chancery or exchequer, by an order made upon hearing all parties on the petition of the perſon for whom ſuch infant ſhall be ſeized or poſſeſſed in truſt, or of the mortgagor or guardian of ſuch infant, or perſon intitled to the monies ſecured upon any lands, whereof any infant ſhall be ſeized or poſſeſſed by way of mortgage, or of the perſon intitled to the redemption, to convey any ſuch lands as the court ſhall by order direct, and ſuch conveyance ſhall be good in law. Conveyances of truſt-eſtates.

Compellable to assign.

VI. *sect.* 2. Such infants, being only truſtees or mortgagees, may be compelled by ſuch order to make ſuch conveyances, in like manner as truſtees or mortgagees of full age. *Brit. Stat.* 7 *Ann. cap.* 16.

Aſſigning guardians.

VII. *Stat.* 8 *Geo.* 1. *cap.* 6. *ſect.* 10. Where the heir who ſhall be ſummoned in a *ſcire facias*, iſſued to have execution on a judgment in an action of debt, ſhall pray that the parol may demur during his nonage, the court in which ſuch cauſe ſhall depend, ſhall on motion aſſign two fit perſons or more, as guardians for ſuch minor of the neareſt relations.

Pleading to *ſcire facias*.

(2) Which guardians, together with the guardians appointed by the laſt will of the anceſtor of ſuch heir, if ſuch there be, ſhall within ſuch reaſonable time as the court ſhall appoint, not being leſs than ſix months, plead to the ſaid *ſcire facias* in behalf of ſuch minor, and proceedings ſhall be had thereupon, as if ſuch plea had been pleaded by an heir of full age.

3 pariſhioners choſen overſeers, in annual veſtry firſt week in June, in every pariſh in cities except Dublin and Cork, on 6 days notice by miniſter or curate.

VIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 15. *ſect.* 1. In every city except Dublin and Cork, a veſtry ſhall be held annually in every pariſh in the firſt week of June, of which publick notice ſhall be given by the miniſter or his curate, at leaſt ſix days previous, excluſive of the day of giving ſuch notice and day of holding ſuch veſtry; and the miniſter or curate, church-wardens and pariſhioners, ſhall at ſuch veſtries reſpectively, annually chooſe three overſeers out of the inhabitants of every ſuch pariſh.

To take up and provide for deſerted children; not above 5l. each.

IX. *ſect.* 2. Such overſeers ſhall take up and provide for maintenance and education of all ſuch children, as ſhall be ſo deſerted and expoſed within their reſpective pariſhes; provided always, that no more ſhall be allowed than five pounds for each child.

Overſeers to ſettle ſums to be raiſed,

X. *ſect.* 3. And that the expence of maintaining ſuch children may be equally borne by the inhabitants reſpectively, the overſeers of every ſuch pariſh in ſuch cities reſpectively ſhall from time to time, as occaſion ſhall require, aſſemble, and ſettle and determine, what ſums ſhall be raiſed upon the inhabitants reſpectively, for maintaining and educating ſuch deſerted children; and ſuch overſeers, or the major part, ſhall at ſuch meetings equally and impartially aſſeſs ſuch ſums ſo to be raiſed upon the inhabitants of the ſeveral houſes within ſuch cities reſpectively, according to the miniſter's money payable out of ſuch houſes; and where ſuch houſes are not rated to the miniſter, valued by ſuch overſeers, or the major part, and rated accordingly.

aſſeſſed as miniſter's money, or houſes valued by overſeers.

Collected by overſeers or perſons appointed, applied for ſuch children, on non payment 2 days after demand, levied by diſtreſs and ſale on occupiers.

XI. *ſect.* 4. Such overſeers within their pariſhes, or perſons appointed by them, ſhall collect the ſeveral ſums ſo aſſeſſed, and apply the ſame for maintenance and education of ſuch deſerted children within their pariſhes; and if any occupier of any houſe refuſe or neglect to pay the ſum aſſeſſed, two days after demand, the ſame ſhall be levied on every ſuch occupier by diſtreſs and ſale of goods, by warrant under hands and ſeals of ſuch overſeers, returning the overplus, if any, after deducting all charges attending the ſame to the owner.

Quarterly returns on oath to miniſter or curate.

XII. *ſect.* 5. Such overſeers ſhall return a quarterly account to their pariſh miniſters, or curates, upon oath, which oath ſuch miniſters and curates are hereby impowered and required to adminiſter, of the ſums ſo levied, and how the ſame applied.

Dying within the year another choſen in 10 days at veſtry on 4 days notice.

XIII. *ſect.* 6. If any overſeer happen to die within the year, for which ſo choſen, another ſhall be choſen in his room within ten days after his deceaſe, at

at a veſtry for the pariſh, in which he was overſeer, of which four days previous notice at leaſt ſhall be given by the miniſter or his curate.

XIV. *ſect.* 7. Every ſuch overſeer ſhall, within ſix days after ſo elected, take an oath before the chief magiſtrate of the city, in which ſo elected, which oath ſuch chief magiſtrate is impowered and required to adminiſter, that he will fairly and juſtly, without favour or affection, aſſeſs ſuch ſums, as may be neceſſary to be raiſed for the purpoſes aforeſaid.

Oath by overſeers in 6 days before chief magiſtrate.

XV. *ſect.* 8. The overſeers in every ſuch city ſhall enter, or cauſe to be entered, in a book for the purpoſe, a regular account of the ſums, from time to time by them directed to be raiſed for the purpoſes aforeſaid, and of the names of the perſons upon whom to be levied; and copies of ſuch entries, lodged by ſuch overſeers, ſhall be delivered to the miniſters of the reſpective pariſhes, or their curates, to which all the pariſhioners of ſuch pariſhes reſpectively, may have recourſe at all ſeaſonable times.

Entry by overſeers of ſums and perſons on whom, copies to miniſter or curates, reſorted to by pariſhioners.

XVI. *ſect.* 9. If the pariſhioners of any ſuch pariſh ſhall at ſuch veſtry refuſe or neglect to elect three ſuch overſeers, the miniſter, or in his abſence his curate, ſhall name three of ſuch pariſh; which ſhall be veſted with the ſame powers, as if elected by the pariſhioners.

On neglect of pariſhioners named by miniſter or curate.

XVII. *ſect.* 10. If any action or ſuit commenced or proſecuted againſt any perſon for any thing done in purſuance of this act, the defendant may plead the general iſſue, and give this act and the matter in evidence; and this act deemed a publick act, and judicially taken notice of as ſuch.

General iſſue, a publick act.

XVIII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 24. *ſect.* 1. Whereas an act paſſed laſt ſeſſion for relief of poor infants, deſerted by their parents, the proviſions of which extend only to pariſhes within cities: and it is reaſonable, that other pariſhes as well as thoſe, be obliged to maintain ſuch poor children in every pariſh (except in cities of Dublin and Cork, for which proviſion is made by particular acts of parliament) a veſtry ſhall be held annually, at ſuch time, by ſuch perſons, and regulations, and inveſted with ſuch powers, as is directed by ſaid firſt act with reſpect to pariſhes within cities; and the overſeers in ſuch pariſhes reſpectively ſhall take up and provide for the maintenance and education of all ſuch children, as ſhall be deſerted and expoſed within their reſpective pariſhes, at the age of twelve months or under, ſubject to the reſtrictions in ſaid firſt act; and ſuch ſums, as neceſſary for purpoſes aforeſaid, ſhall be raiſed upon the reſpective pariſhes in ſame manner, and with ſuch remedies, as other pariſh ceſſes.

11 & 12 G. 3. c. 15, in every pariſh, except in Dublin and Cork, annual veſtries with powers as by 11 & 12 G. 2. c. 15. as to pariſhes in cities; overſeers to take up and provide for deſerted and expoſed children of 12 months or under as by ſaid act; money raiſed as other pariſh ceſſes.

XIX. *ſect.* 2. So much of ſaid firſt act, as directs, that the ſums raiſed in purſuance, ſhall be aſſeſſed upon inhabitants of the ſeveral houſes within ſuch cities reſpectively according to miniſter's money payable out of ſuch houſes, repealed, and ſuch ſums ſhall be aſſeſſed by the perſons, and in manner therein directed, upon inhabitants of the ſeveral houſes within ſuch cities reſpectively according to value of ſuch houſes reſpectively.

11 & 12 G. 3. c. 15. repealed as to aſſeſſment by miniſter's money, aſſeſſed on houſes by value.

XX. *ſect.* 3. If any pariſh refuſe or neglect to raiſe ſuch ſums, as neceſſary for the purpoſes of this or ſaid act, it ſhall be lawful for next judges of aſſize, or one of them, upon complaint by the miniſter or curate of ſuch pariſh (which complaint ſuch miniſter or curate is required to make) of ſuch refuſal or neglect, to order ſuch ſum to be raiſed on ſuch pariſh, as he or they think fit, ſo as the ſame do not exceed five pounds for each child left expoſed and deſerted in ſuch pariſh of the age of twelve months or under; and the ſums, ſo directed to be raiſed, ſhall be aſſeſſed and levied upon ſuch pariſh by the perſons,

On complaint by miniſter of neglect by pariſh ordered by judges of aſſize to be raiſed, not above 5l. each child; levied as preſentments;

paid to miniſter for purpoſes of ſaid act; persons, in manner, and with like remedies, as money preſented by grand juries; and the ſums ſo levied ſhall be paid to the miniſter or curate, and by him applied to the purpoſes of the ſaid act; and the judges of aſſize, to whom

complaint examined on oath. ſuch complaint made, are impowered and required to examine upon oath touching the matter of ſuch complaint.

Overſeers neglecting forfeit 10l. by civil bill with full coſts; applied for the children. XXI. *ſect.* 4. If any overſeer appointed in purſuance of this or ſaid act, refuſe or neglect to execute ſaid office, he ſhall forfeit for every ſuch offence, ten pounds, by civil bill in name of the miniſter or curate of ſuch pariſh, with full coſts of ſuit; and the ſum ſo recovered ſhall be applied towards maintenance and education of the deſerted children in ſuch pariſh.

General iſſue and ſpecial matter in evidence; XXII. *ſect.* 5. If any action or ſuit againſt any perſon, for any thing done in purſuance of this or of the two acts herein mentioned, the defendant may plead the general iſſue, and give the ſpecial matter in evidence; and this act

a publick act. deemed a publick act, and judicially taken notice of as ſuch.

Infirmaries.

Body corporate. I. *Stat.* 5 *Geo.* 3. *cap.* 20. *ſect.* 1. *Whereas providing receptacles in the ſeveral counties in this kingdom herein after mentioned, for the poor who are infirm and diſeaſed, would be a means of reſtoring the health, and preſerving the lives of many of his Majeſty's ſubjects, of promoting labour and induſtry, and of encouraging the manufactures of this kingdom:* it is enacted that his grace the archbiſhop of Armagh, the lord high chancellor for the time being, the biſhop of the dioceſe, and rector or vicar of the pariſh for the time being, wherein any ſuch infirmary or hoſpital as is herein after mentioned, ſhall be ſituated, ſhall, within their ſeveral and reſpective counties, for ever, in name and fact be ſeveral bodies politick and corporate in law to all intents and purpoſes, and more eſpecially for the purpoſe of erecting or eſtabliſhing publick infirmaries, or hoſpitals in the ſeveral and reſpective counties herein after mentioned (that is to ſay) in the counties of Armagh, Cavan, Down, Fermanagh, Londonderry, Monaghan, Tyrone, Carlow, Kilkenny, King's County, Longford, Lowth, Leitrim, Queen's County, Weſtmeath, Wexford, Wicklow, Clare, Kerry, Limerick, Galway, Roſcommon, and Sligo;

erection of infirmaries. the ſaid ſeveral infirmaries or hoſpitals to be erected or eſtabliſhed in ſuch places reſpectively as ſhall be approved of by the reſpective corporations of ſaid counties, in the ſeveral and reſpective county towns, or at a diſtance not exceeding one mile from the court-houſe in the county town of each of the ſaid counties.

Exceptions. II. *ſect.* 2. Excepting the counties of Meath, Antrim, Donegal, Kildare, Cork, Mayo, and Tipperary, the infirmaries or hoſpitals for the ſaid laſt mentioned counties, to be erected and eſtabliſhed in the ſeveral and reſpective towns herein after mentioned, that is to ſay, the infirmary or hoſpital for the county of Meath, to be erected or eſtabliſhed in the town of Navan in that county; for the county of Antrim in the town of Liſburne in that county; for the county of Cork, in the town of Mallow in that county; for the county of Mayo, in the town of Caſtlebar in that county; for the county of Donegal, in the town of Letterkenny in that county; for the county of Kildare, in the town of Kildare in that county; for the county of Tipperary, in the city of Caſhel in that county.

III. *ſect.* 3. Every donor of any ſum, not leſs than twenty guineas, to any of the ſaid infirmaries or hoſpitals, ſhall, from the time of ſuch donation, be a member of the body corporate for ſuch reſpective infirmary or hoſpital. Donations.

IV. *ſect.* 4. And every perſon who ſhall ſubſcribe and pay any ſum, not leſs than three guineas, for the uſe of any of the ſaid infirmaries or hoſpitals, ſhall be a member of the body corporate for ſuch reſpective infirmary or hoſpital, for one year, from the twenty fourth day of June next following ſuch ſubſcription and payment. Annual ſubſcriptions.

V. *ſect.* 5. Which ſaid ſeveral bodies politick and corporate, ſhall have perpetual ſucceſſion, and be called the governors and governeſſes of the reſpective county infirmaries or hoſpitals in this kingdom; and ſhall be enabled to plead and be impleaded; and to ſue and be ſued by theſe names of incorporation reſpectively, and ſhall have a common ſeal for their uſe, and may without licenſe in mortmain purchaſe, take, and receive any lands, tenements or hereditaments whatſoever, not exceeding the annual value of two hundred pounds, and ſhall and may be capable of taking gifts, grants, contributions and benefactions to any amount, in perſonal property, in truſt for the ſole uſe and benefit of the infirmary or hoſpital of the particular county to which ſuch benefactions ſhall be made, and ſhall have power to employ the ſame for the uſe of the ſaid infirmary or hoſpital, in ſuch manner as they ſhall judge proper. Governors and governeſſes. purchaſe lands.

VI. *ſect.* 6. Unleſs the donor ſhall direct the manner of applying ſuch benefactions, in which caſe, the directions of the donor ſhall be obſerved, and may receive all donations and ſubſcriptions for the ſupport of the ſaid infirmaries or hoſpitals, until ſuch time as a treaſurer ſhall be appointed in the manner, and for the purpoſes herein after mentioned. Directions of donors.

VII. *ſect.* 7. All tenants for life, with remainders to their firſt and other ſons in tail, are hereby impowered to make fee-farm grants or leaſes in perpetuity to the reſpective governors of each county infirmary or hoſpital, of any quantity of ground, not exceeding two acres, or of one or more houſes contiguous with each other, at the full improved rent. Grants and leaſes.

VIII. *ſect.* 8. Which fee-farm grants and leaſes the ſaid governors are hereby impowered to take reſpectively, for building and erecting an infirmary or hoſpital for each reſpective county, on ſuch ground, and for converting ſuch houſes into an infirmary or hoſpital for ſuch reſpective county. Power to take.

IX. *ſect.* 9. As ſoon as an infirmary ſhall be erected or eſtabliſhed in any of the ſaid counties, and fit for the reception of patients, the governors ſhall give notice in two of the Dublin news-papers, that ſuch infirmary is ready for the reception of patients, and that they will on a certain day (which ſhall be in twenty one days at leaſt from the date of the ſaid notice, and ſpecifying the time and place) proceed to the election of a ſurgeon for the ſaid infirmary or hoſpital. Election of ſurgeons.

X. *ſect.* 10. No perſon ſhall be capable of being elected, who ſhall not have ſerved a regular apprenticeſhip of five years to a ſurgeon; and have likewiſe undergone an examination before the ſurgeon-general, the viſiting-ſurgeon, the two aſſiſtant-ſurgeons, and the reſident-ſurgeon of doctor Stephen's hoſpital, and the five ſenior ſurgeons of Mercer's Hoſpital, both ſituate in the city or ſuburbs of Dublin, or ſuch a number of them as they ſhall at any time appoint to make ſuch examination, and ſhall produce a certificate from the ſaid examiners, or the major part of them, that he had ſerved an apprenticeſhip. Qualifications.

apprenticeſhip of five years to a ſurgeon, and hath undergone a proper examination as aforeſaid, and is in all reſpects qualified to be a ſurgeon to the ſaid infirmary or hoſpital.

Supplying vacancies.

XI. *ſect.* 11. And in caſe of a vacancy of a ſurgeon in any of the ſaid infirmary or hoſpitals, the governors ſhall proceed to elect in the manner and form aforeſaid.

Salaries.

XII. *ſect.* 12. The ſurgeons ſo to be choſen and appointed for the ſaid reſpective county infirmaries or hoſpitals, ſhall each of them be paid by the year, a ſum not exceeding one hundred pounds, to be paid out of the publick money.

Phyſician or ſurgeon.

XIII. *ſect.* 13. Which ſum of one hundred pounds ſhall be applied either to phyſician or ſurgeon, or other uſe of the infirmary, as the ſaid governors ſhall think proper, and to commence from the time when each reſpective phyſician or ſurgeon ſhall enter upon his office, and obtain a certificate thereof from the treaſurer of ſuch reſpective infirmary.

Payments half-yearly.

XIV. *ſect.* 14. And the ſaid ſum of one hundred pounds ſhall be paid half yearly by the vice-treaſurers of this kingdom, or their deputies, each treaſurer of ſuch hoſpital or infirmary as aforeſaid reſpectively, giving his receipts for the ſame, which receipts ſhall be allowed as vouchers to ſuch vice-treaſurers, or their deputies, in paſſing their accounts.

Preſentments by grand juries.

XV. *ſect.* 15. The grand jury of each of the aforeſaid counties ſhall, at the firſt ſummer aſſizes after each infirmary ſhall be fit for the reception of patients, and at every ſummer aſſizes after, preſent a ſum not exceeding one hundred pounds, nor leſs than fifty pounds to be raiſed upon each county at large, and paid to the treaſurer of each reſpective county, to be by him paid over to the treaſurer of each reſpective infirmary, on his drafts or receipts; which drafts or receipts ſhall be allowed as vouchers to the ſaid reſpective county-treaſurers in the paſſing their reſpective accounts, and which money ſhall be applied by the governors of the reſpective infirmaries in providing food, medicines, and other neceſſaries for the patients, in repairing the reſpective buildings and the furniture thereof, and in paying the rents of the ſeveral infirmaries or hoſpitals.

Quarterly meetings,

XVI. *ſect.* 16. The governors of each reſpective infirmary (five of whom ſhall be a *quorum*) ſhall have four general quarterly meetings in every year, at ſuch reſpective infirmary, and ſhall, at any general meeting, have power to elect or remove a phyſician or ſurgeon, and ſervants, and to order and regulate the whole œconomy and expences of ſuch reſpective infirmaries, and ſhall have power to appoint ſtanding committees to inſpect the management thereof, in the intervals between the general meetings; and in caſe of a

vacancies.

vacancy of a phyſician or ſurgeon, by death or otherwiſe, to ſummon by advertiſement in two of the Dublin news-papers, general boards on thoſe particular occaſions, for the purpoſe of ſupplying every ſuch vacancy, at which general boards five ſhall be a *quorum*.

Appointment of treaſurers.

XVII. *ſect.* 17. And the governors of each reſpective infirmary, at their firſt general meeting, and from time to time thereafter at any general board, as occaſion ſhall require, ſhall appoint a treaſurer of the ſaid infirmary, who ſhall receive all annual ſubſcriptions and donations for the benefit of the ſaid infirmary, and ſhall act without fee or reward, and be accountable to the governors at their four general quarterly meetings: and the ſaid governors may ſue and recover from ſuch treaſurer all ſums by him received for the benefit of ſuch infirmary.

XVIII. *ſect.*

Infirmaries.

XVIII. *ſect.* 18. No patient ſhall be admitted into any of the ſaid infirmaries, but upon a written recommendation from one of the governors or governeſſes of the ſaid infirmary, certifying that ſuch a perſon is a proper object of the ſaid charity. Admiſſion of patients.

XIX. *ſect.* 19. Except in caſes of ſudden accidents, which may require immediate relief; in which caſes, it ſhall be diſcretionary in the phyſician or ſurgeon of the ſaid infirmary, to receive or reject ſuch patient. Sudden accidents.

XX. *ſect.* 20. And in caſe it ſhall happen that more patients ſhall be ſo recommended, than any of the ſaid infirmaries ſhall be capable of receiving, then the phyſician or ſurgeon ſhall admit them according to the priority of their ſeveral recommendations, and the certificates ſhall be carefully preſerved by the reſpective phyſicians and ſurgeons, as vouchers, that the patients were admitted in the manner aforeſaid. Priority of recommendations.

Inland Navigation.

I. *Stat.* 2 *Geo.* 1. *cap.* 12. *ſect.* 1. *The undertakers, &c. named in this act* are impowered *at their proper coſts and charges*, to make the river Shannon navigable for boats and other veſſels of burthen, from the common landing-place of the city of Limerick, to the town of Drumruſk in the county of Leitrim through and by the counties of Limerick, Clare, Galway, Tipperary, King's County, Weſt-Meath, Longford, Roſcommon and Leitrim, and to maintain and uſe ſuch navigation at their pleaſure, as alſo through ſuch paſſages and water-courſes into the ſaid river, as they ſhall think fit, and for thoſe purpoſes to clear, enlarge or ſtraiten the ſaid river, or any other ſtreams or water-courſes which already do come or may be hereafter brought into the ſame, and to cut the banks of the ſaid river, or of any other the ſtreams or water-courſes aforeſaid, and to make any new trenches or paſſages for water in or through the grounds adjoining unto the ſaid river or water-courſes, as they ſhall think proper for the navigation and paſſages of boats and other veſſels, or any way neceſſary for the more convenient carrying on and affecting the ſaid undertaking, being the propriety, or other eſtate or intereſt of the King, or of any other perſons, bodies politic or corporate, or to remove all trees, ſtumps, roots, rocks, quarries, gravel-beds, and other impediments which may obſtruct or impede the free paſſage of the waters, or hinder the navigation; and paſſage of boats or other veſſels, either in ſailing, rowing, ſetting, haling, or towing the ſame, upon the ſaid river or water-courſes, and to erect and make over, or in the ſaid rivers and water-courſes, or upon the lands contiguous to the ſame, ſuch bridges, ſluices, pens for water locks, wears, ſtanks, dams, cranes, wharfs, warehouſes and other works, as and where *the ſaid undertakers, &c.* ſhall think fit, and to alter, repair and amend the ſame, and to make any ways, paſſages, and other conveniencies for the carrying commodities and other things to and from the ſaid rivers and water-courſes, and for conveying materials for erecting the ſaid works, and for altering, repairing and amending the ſame, and to lay down, frame and work the ſaid materials on the ground near to the places where the ſaid works are to be erected or done, and to amend, heighten or alter any bridges, or turn, or alter any highway in or upon the ſaid river or water-courſes, as may any ways hinder ſuch navigation or paſſage thereon, as alſo to ſet out, appoint, and uſe towing paths, and ways for towing of boats and other veſſels paſſing upon the ſaid river and water-courſes, Undertakers for the Shannon, rivers may be enlarged, &c. trenches, &c. may be made, impediments may be removed, bridges, ſluices, &c. may be made, materials may be framed, &c. bridges, highways, &c. may be altered, &c.

as

as *the ſaid undertakers*, &c. ſhall think convenient, and to do all things which *the ſaid undertakers*, &c. ſhall think neceſſary for the making and maintaining of the ſaid river, water courſes, and paſſages navigable and paſſable as aforeſaid, or for the improvement or preſerving thereof, *the ſaid undertakers*, &c. firſt giving ſatisfaction to the proprietors of ſuch lands reſpectively, as ſhall be made uſe of for the carrying on or effecting the ſaid navigation, or for maintaining or managing the ſame according as is hereafter by this act directed.

Satisfaction to be made to proprietors.

The powers given by this act to the undertakers, &c. for making the river Shannon *navigable, are transferred to the commiſſioners appointed by* Stat. 3 Geo. 2. cap. 3. *who are created a corporate body by* Stat. 25 Geo. 2. cap. 10. *and have ſeveral new powers given to them. See Par.* XXII, XXIII, *and* XXXII.

Satisfaction to proprietors how to be ſettled.

II. *Sect.* 2. *The commiſſioners are appointed by this act* to ſettle and determine what ſatisfaction, any perſons, bodies politic or corporate ſhall have for ſuch proportion of their lands as ſhall be intended to be made uſe of for the carrying on or effecting the undertaking aforeſaid, and for the damage that ſhall be thereby ſuſtained, and to adjuſt what proportion of ſuch purchaſe-money or ſatisfaction, every tenant or other perſon having a particular intereſt in any of the premiſſes, ſhall have for their reſpective intereſt.

Refuſal or incapacity to agree.

(2) And if it ſhall happen that any perſons, bodies politic or corporate, ſhall refuſe to deal or agree, or through any diſability by non-age, coverture, ſettlement, intail, or other impediment, cannot contract for the ſame, the commiſſioners are impowered to iſſue out their warrants under their hands and ſeals, to the ſheriff of the county wherein ſuch lands adjoining or near the ſaid river or water-courſes, ſhall be intended to be made uſe of for the carrying on and effecting the undertaking aforeſaid, for the ſummoning, impanelling, and returning, and the ſaid ſheriff is required accordingly to ſummon, impanel, and return a jury of ſufficient men qualified according to law, to be returned for trials of iſſues joined in his Majeſty's courts at Dublin, to appear before the ſaid commiſſioners at ſuch time and place, as by ſuch warrants ſhall be appointed, and alſo to return in iſſues upon every perſon ſo impanelled and returned, the ſum of forty ſhillings, which ſhall be duly eſtreated and levied, and for default of ſufficient number of jury-men appearing, ſuch ſheriff or his deputy ſhall return other honeſt and indifferent men of the ſtanders by, or that can be ſpeedily procured to attend that ſervice, to make up the ſaid jury to the number of twelve, and all parties concerned ſhall have their lawful challenges againſt any of the ſaid jury-men.

Warrant to the ſheriff to return a jury.

iſſues to be eſtreated,

challenges to be allowed.

(3) And the ſaid commiſſioners are hereby impowered to order and authorize the ſaid jury to view the places or matters in queſtion, as the ſaid commiſſioners ſhall think fit, which jury, upon their oaths to be adminiſtered by the ſaid commiſſioners, which oath as alſo oaths to ſuch perſons as ſhall be called upon to give evidence before them, the ſaid commiſſioners are impowered to adminiſter, ſhall aſſeſs ſuch damages and recompence as they ſhall think fit, to be awarded to the owners and occupiers of any ſuch lands, or any part thereof, as ſhall be uſed for, or damnified by making the ſaid river, ſtreams or cuts navigable, for their reſpective intereſt therein, by reaſon of the uſing any of their lands for the purpoſe aforeſaid, or for the damage which they may reſpectively ſuſtain thereby.

View may be ordered,

oaths to jury and witneſſes,

recompence to proprietors for their damages.

By

By Stat. 3 Geo. 2. cap. 3. ſect. 3. *The jury ſhall determine* no other matter *but that for which ſuch jury ſhall be ſummoned. See Par.* XXII.

(4) And the ſaid commiſſioners ſhall give judgment for ſuch ſums ſo to be aſſeſſed by ſuch juries, and ſhall upon oath as aforeſaid, and by all other lawful means, finally determine all controverſies which ſhall ariſe concerning any matter relating to the premiſes, or any part thereof, which ſaid verdict and the determination thereby declared by the ſaid commiſſioners, and the recompenſe to be aſſeſſed and decreed, notice in writing being firſt given of their meeting at leaſt twenty one days before hand, declaring the time and place of their meeting to every perſon concerned, or to be left in writing at the dwelling-houſe of ſuch party concerned, or at their uſual place of abode, or with ſome tenant or occupier of ſome lands of ſuch party near the ſaid river, in caſe ſuch party cannot otherwiſe be found out to be ſerved with ſuch notice, ſhall be concluſive againſt the King, and againſt all parties, their heirs and ſucceſſors, executors, adminiſtrators and aſſigns, and all others claiming any title or intereſt in the ſaid lands, or any thing thereunto appertaining, in poſſeſſion, reverſion, remainder, or expectancy, or otherwiſe, as well infants, feme coverts, tenants in tail, as others, and their reſpective heirs, ſucceſſors, executors and adminiſtrators, and all claiming under any of them.

Judgment for ſums aſſeſſed.

Notice in writing how to be given,

verdict and judgment to be concluſive.

(5) Which decrees ſo made ſhall be ſet down in writing under the hands and ſeals of the commiſſioners that ſhall make the ſame, and be kept among the records of the ſeſſions of the peace for the reſpective county wherein ſuch orders and decrees are to be ſo executed, all which or true copies thereof ſhall be deemed ſufficient evidence in any court of law or equity, and upon payment of ſuch ſums ſo agreed on or aſſeſſed to the parties concerned, or tender thereof made at their dwelling-houſe, and if they have no ſuch dwelling-houſe, then at the houſe of ſome tenant or occupier of ſome lands or tenements of ſuch party near the ſaid river, and if upon ſuch tender as aforeſaid, they refuſe, neglect or avoid to receive the ſame, then upon payment of ſuch ſum into the hands of ſuch perſons as the ſaid commiſſioners ſhall appoint, for the uſe of the parties intereſted as aforeſaid, it ſhall then and not before, be lawful to uſe ſo much of the ſaid lands for which ſuch ſatisfaction ſhall be aſſeſſed or decreed as aforeſaid, and thereon to erect or to do any works for the effecting and carrying on the ſaid navigation, and for the ſupporting and maintaining the ſame as the ſaid *undertakers*, &c. ſhall think requiſite, and to uſe and enjoy the ſame for their own proper uſe and benefit; and this act ſhall be ſufficient to indemnify as well the ſaid commiſſioners as *the ſaid undertakers, &c. and all perſons employed or authorized by them*, againſt the owners or occupiers aforeſaid, their heirs, executors, adminiſtrators, or aſſigns, provided that no commiſſioner ſhall ſit or act in any cauſe where they are any ways particularly intereſted or concerned.

Decrees in writing,

payment of money,

indemnity by this act.

By Stat. 25 *Geo.* 2. *cap.* 10. *ſect.* 4. *It ſhall be lawful for the corporation at any of their general meetings, eleven of them being preſent, to appoint three or more members of the corporation to treat and agree concerning all differences,* &c. *in ſuch manner as the commiſſioners,* &c. *are impowered by this act,* 2 *Geo.* 1. *cap.* 12, &c. *See Par.* XXXIII.

Tolls on goods,

III. *ſect.* 4. It ſhall be lawful for *the ſaid undertakers, &c.* to demand and take for every hundred weight of goods or commodities, boated or conveyed up or down the ſaid river Shannon, or other the cuts, ſtreams, or courſes aforeſaid, between the city of Limerick and the town of Carrick Drumruſk aforeſaid, any tolls, rates, or duties, not exceeding two pence for every ten miles in length of ſuch navigable river; and alſo for every paſſenger navigating or paſſing therein, any toll not exceeding three pence for every ten miles, and in like proportion for any other number of miles thereof, which miles ſhall be numbered and charged from the place where ſuch goods or paſſengers ſhall be loaden or taken on board ſuch boat or other veſſel, to the place where the ſame ſhall be again unloaden or put on ſhore, at the length and rate of common Iriſh miles, that is to ſay, at one Engliſh mile and an half, or twelve furlongs at leaſt to each mile, and ſhall for the avoiding of diſputes in the levying or paying the ſaid toll, and by direction and approbation of the ſaid commiſſioners, *&c.* be ſet out and marked at the end of every ſuch ten miles, beginning at the ſaid key of Limerick, upwards with piers, columns, or breaches of timber, ſtone, brick, or other conſpicuous marks, to be placed in or croſs upon either bank of the ſaid river.

three pence for ten miles.

By Stat. 3 *Geo.* 2. *cap.* 3. *The commiſſioners may appoint tolls to be paid on goods and paſſengers, to be collected by perſons to be appointed by them, in ſuch manner as the tolls payable by this clauſe to the undertakers, &c. are to be collected. See par.* XXV.

Default of payment,

IV. *ſect.* 5. In caſe of neglect or denial of payment on demand of the ſaid ſeveral rates before mentioned, *the ſaid undertakers, &c.* may ſue for the ſame by action of debt, or upon the caſe in any court of record, or detain by way of diſtreſs any goods or veſſels carrying ſuch goods or paſſengers for which the ſaid rates ought to be paid, and if ſuch diſtreſs ſhall not be redeemed by paying the ſaid rates, with the reaſonable charges for ſuch diſtraining within ſixteen days after taking thereof, the perſons diſtraining, may, with the conſtable, or other officer of the place where ſuch diſtreſs ſhall be taken, who is hereby required to be aiding and aſſiſting therein, cauſe the ſaid veſſel or goods, or any part thereof, to be appraiſed by two ſworn appraiſers to be appointed by ſuch conſtable or other officer, whom ſuch conſtable or other officer is hereby impowered to ſwear to appraiſe the ſame truly and indifferently according to the beſt of their judgment, and after ſuch appraiſement, may lawfully ſell the ſame or any part thereof, for ſatisfaction of ſuch rate or duty, and of the charges of ſuch diſtreſs, appraiſement, and ſale, leaving the overplus, if any be, in the hands of ſuch conſtable or other officer for the owner's uſe, in which caſe, no replevin ſhall lie, or be granted, or executed againſt ſuch diſtreſs, but the property thereof after ſuch ſale ſhall be in the vendee.

appraiſing diſtreſſes.

Altering by-laws.

V. *ſect.* 6. The ſaid commiſſioners, *&c.* by inſtruments in writing under their hands and ſeals, ſhall make, alter, repeal, or amend ſuch orders, by-laws and regulations, for the better management of the navigation aforeſaid, with penalties for the breach thereof, as they ſhall think reaſonable, and may iſſue out their warrants for all ſums of money that ſhall be ſo aſſeſſed for ſuch breaches or other damages concerning the premiſſes, to be levied in ſuch manner as for the rates and taxes by this act appointed to be paid, is herein already directed.

By

By Stat. 3 Geo. 2. cap. 8. ſect. 41. It is provided that the by-laws and the penalties for the breach thereof ſhall be agreeable to the laws of the realm, and be firſt approved of and ſigned by the lord chancellor, &c. and the three chief judges, or ſome two of them. See par. XXV.

VI. *ſect.* 7. In caſe any diſpute ſhall ariſe betwixt *ſuch undertakers, &c.* and the owner or maſter of ſuch boat or of ſuch goods, *&c.* and other things which by this act ſhall be liable to the payment of any of the duties aforeſaid concerning the weight or quantity of the ſame, or if ſuch maſter or owner ſhall refuſe to make oath thereof, which oath *ſuch undertakers, or any of them* are impowered to adminiſter, it ſhall be lawful for ſuch undertakers, *&c.* to weigh all ſuch goods, *&c.* and the maſter or owner of ſuch boats, goods, *&c.* ſo liable to the payment of ſuch duty, ſhall pay the charges of weighing thereof, and in caſe of refuſal or neglect to pay the ſame, *ſuch undertakers, &c.* ſhall have the like remedy for recovery thereof, as by this act they may have for the recovery of the ſaid duties aforeſaid. Charges of weighing goods.

VII. *ſect.* 8. It ſhall be lawful for water-men, boat-men, and barge-men, paſſing and navigating upon the ſaid river or water-courſes, and their aſſiſtants, to ſet up and make uſe of winches, capſtains, and other engines in convenient places, and the ſame to uſe by ſtrength of men, horſes, or other draught, going upon the banks or land near the ſaid river or water-courſes in convenient manner without interruption, and to draw or hale up any boats or other veſſels thereby. Uſing engines, &c. on banks on rivers.

VIII. *ſect.* 9. The maſter and owner of any boat or veſſel ſhall be accountable for any damage that ſhall be done by his men, to any of the bridges, wears or locks, dams, and engines upon or near the ſaid river or water-courſes, or for any treſpaſs or damage which ſhall be done to the owners or poſſeſſors of any lands adjoining to the ſame, and the maſter or owner of ſuch boat or veſſel may be ſued for the ſame in any court of record, and if found guilty, or a verdict paſs againſt him, or judgment be given againſt him, the plaintiff in any ſuch caſe ſhall not only recover the damages which he ſhall have thereby ſuſtained, but alſo full coſts. Damages made good.

IX. *ſect.* 10. The river Shannon between the key of Limerick and the town of Carrick-Drumruſk, or the things which ſhall be erected or uſed for making and keeping the ſaid river and water-courſes navigable as aforeſaid, ſhall not be under the ſurveys or orders of any commiſſion of ſewers not ſubject thereto, nor to any law for ſewers, unleſs they are particularly named. Laws for ſewers.

X. *ſect.* 11. If *the ſaid undertakers, &c.* ſhall in purſuance of the powers in this act by any means raiſe the water in the ſaid river above its antient or uſual height, whereby the adjacent lands may be more liable to be overflowed or damaged than they have formerly been, *the ſaid undertakers, &c.* at their own proper coſts and charges, ſhall cauſe all the banks of the ſaid river to be proportionably raiſed in all places where need ſhall require, ſo that the new banks ſhall be ſufficient to contain the waters at ſuch their raiſed heights; and alſo ſhall maintain and repair the ſaid banks as often as occaſion ſhall require, and ſhall alſo make and maintain in ſuch new banks, ſuch ſluices and out-lets for drawing water out of the adjacent meadows and grounds, as the ſaid commiſſioners, &c. at any meeting upon ſuch notice as aforeſaid ſhall direct, or if *the ſaid undertakers, &c.* in purſuance of the powers aforeſaid, ſhall make any new cuts or trenches, by reaſon whereof any perſons ſhall not have convenient ingreſs or egreſs into or out of their reſpective grounds, *the* Raiſing the banks, ſluices for water.

ſaid undertakers, &c. at their own charges, ſhall erect ſuch ſufficient bridges over every ſuch new cuts as by the ſaid commiſſioners, &c. ſhall be directed.

Pleaſure-boats. XI. *ſect.* 12. It ſhall be lawful for any owners or occupiers of any lands adjoining to the ſaid intended navigable paſſages, to uſe any pleaſure boats upon the ſaid river without any interruption from *the ſaid undertakers, &c.* and without paying any rate or duty for the ſame, no ſuch goods, merchandizes, paſſengers, or other things being carried therein as are hereby made liable to the ſaid duties.

Free paſſage. XII. *ſect.* 13. The ſaid river Shannon ſhall be eſteemed to be navigable from the key of Limerick to the town of Carrick-Drumruſk, and all people may have free paſſage through and upon the ſaid river Shannon with boats and other veſſels, and alſo all convenient liberties for navigating the ſame without any obſtruction, paying ſuch rates and duties as are by this act appointed to be paid to *the ſaid undertakers, &c.* for the conveniency and aſſiſtance of the navigation thereof, from the key of Limerick up to the ſaid town of Carrick-Drumruſk, or down the ſaid river from the ſaid town of Carrick-Drumruſk to the key of Limerick aforeſaid, and in any other ſhorter extent thereof.

General iſſue. XIII. *ſect.* 14. If any ſuit or information ſhall be commenced againſt any perſons for any thing that they ſhall do in purſuance of this act, or for executing any of the powers, orders, and directions herein mentioned, perſons ſo ſued may plead the general iſſue, &c. and if in any ſuch ſuit the plaintiff ſhall become non-ſuit, or forbear proſecution, or diſcontinue his ſuit, or if a verdict ſhall paſs againſt him, or judgment be given againſt him upon a demurrer, the defendants ſhall recover full coſts, and this act ſhall be taken as a publick act.

By Stat. 25 Geo. 2. cap. 10. ſect. 13. Treble coſts of ſuit are given in ſuch actions. See Par. XLII.

Owners of royalties. (2) Saving to the lords, owners, or proprietors of all royalties or liberties of fiſhing or fowling upon the ſaid river or water-courſes, their reſpective privileges of fiſhing and fowling upon the ſame.

Damages aſcertained. XIV. *ſect.* 15. If any perſons after the ſaid river is made navigable, ſhall ſuſtain any damage in their lands, mills, wears, or water-engines, otherwiſe than is provided for by this act, by *the ſaid undertakers, &c.* raiſing the water too high or not ſufficiently making up or repairing the banks of the ſaid river, or cleanſing the ſame, or by their taking away, waſhing, or diverting water from the ſaid mills or water-engines, the ſaid commiſſioners, &c. ſhall inquire of and aſcertain ſuch damages by jury, and give judgment for the ſame with coſts to the parties grieved, in the ſame manner as the recompence and damage are herein before appointed to be aſſeſſed for any lands that ſhall be any ways made uſe of or damnified in making the ſaid river navigable.

Default of payment. (2) And on default of payment thereof by a certain day to be appointed by the ſaid commiſſioners, the ſaid commiſſioners, &c. ſhall ſequeſter and aſſign over, all the rates and duties herein before appointed to be paid for the carriage of any goods upon the ſaid river, unto and for the uſe of the parties for whom ſuch damages are aſſeſſed, until they ſhall be thereby fully paid all ſuch damages and coſts, in order and courſe ſucceſſively as ſuch judgment for the ſame ſhall be in priority of time, and ſhall be taken and recovered by the perſons ſo appointed to receive the ſame, in ſuch manner, and by and with the like powers, as the ſaid rates and duties are herein before appointed to be recovered by the ſaid undertakers, &c.

XV. *ſect.*

XV. *ſect.* 16. Nothing in this act ſhall extend to impower the ſaid commiſſioners, undertakers, or other perſons, to pull down or abate, or otherwiſe injure the ſalmon-wear, or ſalmon-fiſhery of Limerick aforeſaid, commonly called the ſalmon-wear of Parteen or the great Lax-wear, nor to make any cut or channel, or ſet up any lock, ſluice, flood-gate, or device in the channel or banks thereof, nor to alter or remove the current, or to make any other new channel, or cut in or through the banks on either ſide of the ſaid wear, or in or through the lands thereto adjoining, nor to do any thing which may prejudice, or in any wiſe damnify the ſaid wear, or the fiſhery thereof, until ſuch time as the owners or occupiers thereof by proper inſtruments under their hands and ſeals, to be recorded in the office of the clerk of the peace for the ſaid county of Limerick, ſhall have freely conſented and agreed to the making and perfecting ſuch navigation through or by the ſaid wear, or the lands thereto adjacent. Salmon-wear of Limerick.

Sect. 17, 18, 19, *and* 20, *relative to the ſeveral liſts of commiſſioners for the particular tracts therein mentioned, and the authorities thereby given to them, being ſuperſeded by the general power veſted in the new commiſſioners appointed by Stat.* 3 *Geo.* 2. *cap.* 3. *and by the authorities given to the corporate-body, erected by Stat.* 25 *Geo.* 2. *cap.* 10. *to make any rivers, although not mentioned in this act, navigable, are therefore omitted. See par.* XXXVI.

XVI. *ſect.* 21. In caſe any undertakers of any the reſpective navigations in this act intended, ſhall fail to perfect ſuch navigation within ſeven years after their becoming undertakers thereof, then the whole eſtate and intereſt, all the tolls, duties, and advantages to ſuch reſpective navigation, or ſuch part thereof as ſhall then remain undone, which by this act are intended to be given to ſuch undertakers, their heirs, aſſigns, or nominees, ſhall ceaſe and be utterly void, and the commiſſioners who ſhall have the charge and inſpection of ſuch reſpective navigation, may at their diſcretion, either enlarge the ſaid former term, and re-appoint ſuch failing undertakers for any further time not to exceed ſeven years more, or may by any inſtrument in writing under their hands and ſeals, appoint any other undertakers to carry on and compleat ſuch navigation, or ſuch part thereof as ſhall then remain unfiniſhed. Failing to perfect works.

(2) Which laſt undertakers ſo appointed and performing accordingly, ſhall in ſuch caſe be veſted with, and ſhall have to them, their heirs, aſſigns, and nominees, all and every the powers, tolls, and duties, with all the other eſtate, intereſt, and term of ſuch part and no more as ſhall then remain unfiniſhed of ſuch navigation, which the firſt undertakers, their heirs, aſſigns, or nominees, might have enjoyed by virtue of this act, had they performed and finiſhed the ſame, within the ſaid firſt term of ſeven years, as by this act is directed; but ſuch undertakers ſo failing in part as aforeſaid, ſhall nevertheleſs be intitled to ſuch part of the navigation aforeſaid, as ſhall have been by them finiſhed within the ſaid firſt term of ſeven years, and to all the tolls and advantages, and all other eſtate and intereſt in ſuch part by them ſo finiſhed, as if ſuch failure had never happened. New undertakers.

The commiſſioners appointed by Stat. 3 *Geo.* 2. *cap.* 3. *are impowered, generally, to enter into contracts with any perſons for making any part of the ſaid works, and*

and all other matters in and about the premiſſes: and as the private intereſts of the undertakers are diveſted and lodged in the corporation, it ſeems to be doubtful how far the preceding clauſe can at preſent have any operation. See par. XXV. *and par.* XXX.

Salmon-wears of Colraine and Liſmore.

XVII. *ſect.* 22. Nothing in this act ſhall extend to impower the ſaid commiſſioners, undertakers, or other perſons, to pull down or injure the ſalmon-wear, or ſalmon fiſhery of Colraine, nor the ſalmon-wear or fiſhery of Liſmore, nor to make any cuts or canals, locks, ſluices, flood-gates, or other devices, in the channels or banks of the ſaid rivers, at or near the ſaid fiſheries, nor to alter, remove, or divert the currents, nor make any other new channels or cuts in or through the banks or adjoining lands, nor to do any thing which may prejudice or damnify the ſaid wears or fiſheries, until the reſpective owners or occupiers thereof, by proper inſtruments under their reſpective hands and ſeals, to be recorded in the ſeveral offices of the clerks of the peace of the counties of Londonderry and Waterford reſpectively, ſhall have firſt conſented and agreed to the making and perfecting ſuch navigations, through or by the ſaid wears or fiſheries, or the lands thereto reſpectively adjacent.

Manures, &c. exempted.

XVIII. *ſect.* 23. Provided that none of the rates or duties aforeſaid, ſhall be levied or demanded for any dung, muck, marl, ſand, or lime-ſtone, that ſhall be boated or carried in any of the navigations aforeſaid, for manure or improvements of land, and that all groſs timber for building, and alſo all rough and unhewn ſtones, and all bricks, lime, tiles, ſlates, and other covering for the ſame, ſhall pay half of the ſaid duties in proportion to their reſpective quantities, and no more.

Nomination of undertakers.

XIX. *Stat.* 8 *Geo.* 1. cap. 6. *ſect.* 7. Every inſtrument of nomination, whereby any undertaker ſhall be appointed for effecting any of the works (mentioned in the preceding act) ſhall be ſigned and ſealed by five or more members of parliament or juſtices of the peace of each of the ſeveral next adjacent counties to ſuch reſpective works, for which ſuch nomination ſhall be given; and upon due entering a memorial of ſuch inſtrument in the office appointed for regiſtring deeds, &c. ſhall thenceforth be a legal and ſufficient authority to ſuch undertaker, his heirs, aſſigns, and nominees for the purpoſes declared by *Stat.* 2 *Geo.* 1. *cap.* 12.

Memorial of nomination to be regiſtered.

This clauſe is altered, in effect, by the ſubſequent ſtatutes whereby new commiſſioners are appointed, and a general power given to them to make contracts concerning works with any perſons, &c. See par. XXV.

Commiſſioners appointed.

XX. *Stat.* 3 *Geo.* 2. *cap.* 3. *ſect.* 1. The lord lieutenant or chief governors of this kingdom, the archbiſhop of Armagh, the lord high chancellor or lord keeper of the great ſeal of Ireland, the lord archbiſhop of Dublin, the lord archbiſhop of Caſhel, and the lord archbiſhop of Tuam, and the ſpeaker of the houſe of commons for the time being, and the ſeveral and reſpective perſons herein after named, *to the number of twenty commiſſioners for each of the provinces*, are appointed commiſſioners for putting in execution the powers in the act 2 *Geo.* 1. *cap.* 12. and herein mentioned.

Powers granted.

XXI. *ſect.* 2. The ſaid commiſſioners appointed in purſuance of this act, or any eleven of them, may aſſemble themſelves at ſuch times, and at ſuch convenient

convenient place in the city of Dublin, as the ſaid commiſſioners hereby or hereafter to be appointed in purſuance of this act, or any eleven of them ſhall think fit; and the ſaid commiſſioners, or any eleven of them, and no other perſons ſhall have the ſame powers, advantages, and authorities for the purpoſes in the ſaid act 2 *Geo.* 1. *cap.* 12. or herein mentioned, as the undertakers for the river Shannon in the ſaid act mentioned, their heirs, aſſigns, or nominees, or the commiſſioners appointed by the acts 2 *Geo.* 1. *cap.* 12. and 8 *Geo.* 1. *cap.* 6. or either of them, or any ſeven or other quorum or number of them, or the ſaid undertakers, and the ſaid commiſſioners jointly had.

Summoning juries.

XXII. *ſect.* 3. As often as the ſaid commiſſioners hereby or hereafter to be appointed by virtue of this act, ſhall find it neceſſary to iſſue their warrant to any ſheriff, to ſummon and impannel a jury for the purpoſes in the ſaid firſt act mentioned, it ſhall be lawful for the ſaid commiſſioners to meet at ſuch time and place as in ſuch warrant ſhall be appointed for the appearance of ſuch jury, and there to determine the matter for which ſuch jury ſhall be ſummoned and no other.

Vacancies by death.

XXIII. *ſect.* 4. Within thirty days after notice of the death of any of the perſons herein appointed commiſſioners for the reſpective provinces, or of any perſon who ſhall hereafter be choſen a commiſſioner purſuant to this act, the ſurviving commiſſioners are required to give public notice in the Dublin Gazette of the death of ſuch commiſſioner, and the ſurviving commiſſioners of the province for which the perſon ſo dying is hereby or hereafter ſhall be nominated, ſhall within thirty days after ſuch notice given, and in default of ſuch notice, then within ſix weeks after the death of ſuch commiſſioner, aſſemble at the uſual place of meeting in Dublin of all the commiſſioners.

Election by ballot.

(2) And the majority of the commiſſioners for the ſaid province ſo aſſembled, being not leſs than five, ſhall elect by ballotting another perſon in the place of the perſon ſo dying, and ſo from time to time, to the end the number of twenty commiſſioners may be always kept full for each province, and ſhall certify ſuch election and appointment in writing under their hands and ſeals, to the clerk for the time being appointed by all the commiſſioners, who is required to keep the ſame, and to make an entry thereof in a book to be by him kept for that purpoſe.

Neglecting to elect.

(3) And if the commiſſioners of the ſaid province for which the perſon ſo dying is or ſhall be appointed by virtue of this act, ſhall neglect to nominate in manner aforeſaid, another in the place of the perſon ſo dying, it ſhall be lawful for all the commiſſioners, or any eleven of them, to elect a fit perſon in the place of ſuch perſon ſo dying, firſt giving ſix weeks publick notice in the Dublin Gazette, of the death of ſuch perſon, and of the province for which he was commiſſioner, and likewiſe of the time and place of ſuch intended election.

Duties and forfeitures.

XXIV. *ſect.* 40. The monies ariſing from the duties by this act, and his Majeſty's moiety of all penalties and forfeitures by virtue of this act, the neceſſary charges of raiſing the ſame excepted, ſhall be brought into the exchequer for the purpoſes in this act expreſſed, and ſhall without any fee or deduction be paid by the vice treaſurer or receiver-general, to the ſaid commiſſioners on their warrants under the hands of the major part of the ſaid commiſſioners then preſent, ſuch major part not to be leſs than eleven, without any other warrant to be obtained in that behalf.

(2) And

Application of the money.

(2) And the ſaid commiſſioners or the major part of them being preſent, not being leſs than eleven, are impowered from time to time to apply the monies ariſing from the duties impoſed by this act or any part thereof, for the encouragement and improvement of tillage, employment of the poor, draining and improving bogs and unprofitable low grounds, making of the ſeveral rivers navigable, and making of canals for the eaſing and diſpatching the inland carriage and conveyance of goods from one part to another within this kingdom, by ſuch means, and in ſuch manner and proportion, and at ſuch times as they ſhall think moſt convenient, except by giving any premium upon the exportation of corn out of this kingdom.

Appointing tolls.

XXV. *ſect.* 41. The commiſſioners hereby or hereafter to be appointed by this act, or the major part of them then preſent, not being leſs than eleven, may from time to time appoint ſuch tolls, rates, or duties upon all boats, goods, and paſſengers, navigating or paſſing in or upon any river, ſtream, cut, or canal made navigable in purſuance of this or the ſaid firſt act, to be collected by ſuch perſons as the ſaid commiſſioners or any eleven of them ſhall appoint, and by ſuch means and in ſuch manner, as the tolls in the ſaid firſt act mentioned, and intended to be thereby payable to the undertakers therein named for the river Shannon, are by the ſaid act appointed to be collected, and no other toll ſhall be payable for navigating or paſſing any ſuch river, *&c.* ſave ſuch as ſhall from time to time be appointed as aforeſaid.

Repairing works.

(2) And all the tolls and duties which ſhall be collected as aforeſaid, the neceſſary charges of collecting the ſame to be aſcertained by the ſaid commiſſioners, being firſt deducted, ſhall be applied in repairing and keeping up the ſeveral locks, or other works which ſhall be made in purſuance of this or the ſaid firſt act, upon ſuch rivers, *&c.* from the navigation whereof ſuch tolls ſhall reſpectively ariſe, in ſuch manner and proportion as the ſaid commiſſioners, or any eleven of them ſhall direct, and to no other uſe.

Contracts and by-laws.

(3) And the ſaid commiſſioners, or any eleven of them, may enter into contracts with any perſons for the making any part of the ſaid works, and all other matters in and about the premiſſes, and ſhall from time to time make ſuch orders, by-laws, and regulations for the better execution of the truſts and authorities repoſed in them, with ſuch penalties for the breach thereof as they, or any eleven of them, ſhall think reaſonable, and may iſſue out their warrants for all ſums of money that ſhall be ſo impoſed or aſſeſſed for ſuch breaches, to be levied in ſuch manner as the tolls by the ſaid act appointed are therein directed to be levied.

Approbation.

(4) Provided ſuch by-laws and the penalties for the breach thereof, be agreeable to the laws of this realm, and be firſt approved of and ſigned by the lord chancellor or lord-keeper of the great ſeal of this kingdom, and the three chief judges for the time being, or any two of them.

General iſſue.

XXVI. *ſect.* 42. If any ſuit ſhall be commenced againſt any perſons for any thing that they ſhall do in purſuance of this or the firſt recited act, ſuch perſons may plead the general iſſue, *&c.* and if the plaintiff ſhall become non-ſuit or forbear proſecution, or diſcontinue the ſuit, or if a verdict ſhall paſs againſt him, or judgment be given againſt him upon a demurrer, the defendants ſhall recover full coſts.

Appointing ſervants.

XXVII. *ſect.* 43. The ſaid commiſſioners, or the major part of them then preſent, ſuch major part not being leſs than eleven, may appoint a clerk and door-keeper and other neceſſary ſervants, and appoint proper ſalaries for them reſpectively,

reſpectively, not exceeding in the whole the ſum of ſeventy pounds *per annum*, to be paid out of the duties granted as aforeſaid.

XXVIII. *ſect.* 44. There ſhall be provided and kept by the ſaid commiſſioners one or more books, in which all ſums of money which ſhall be received by them in purſuance of this act, and alſo all ſums expended about the premiſſes, ſhall be fairly entered, expreſſing the time when, and the name of the perſons to whom the ſame were paid, and for what uſe or purpoſe ſuch payment was made. Books for entries.

XXIX. *Stat.* 23 *Geo.* 2. *cap.* 5. *ſect.* 4. The commiſſioners in *Stat.* 3 *Geo.* 2. *cap.* 3. and ſuch others as have been or ſhall be appointed in manner therein mentioned, or the major part of them preſent, ſuch major part not being leſs than eleven, may exerciſe the ſame powers in the ſaid act ſpecified, as if the ſame were particularly enacted in this act, with like remedy of appeal to the party grieved as by the ſaid act 3 *Geo.* 2. is provided. Powers continued.

XXX. *Stat.* 25 *Geo.* 2. *cap.* 10. *ſect.* 1. The commiſſioners named in the act of the third year of his preſent Majeſty, *cap.* 3. and ſuch commiſſioners as have been ſince or ſhall hereafter be choſen by virtue thereof, from the firſt day of May, 1752, for the purpoſes in the ſaid acts and herein mentioned, ſhall be one body politic or corporate, by the name of *the corporation for promoting and carrying on an inland navigation in Ireland*; and ſhall have perpetual ſucceſſion, and have a common ſeal to be by them appointed, and by that name ſhall ſue and be ſued in all cauſes by or againſt them. Corporation created.

(2) And upon the death of any of the ſaid commiſſioners, new commiſſioners ſhall be choſen from time to time in manner therein preſcribed, ſo as the number may be always kept full, and the ſaid corporation, eleven or more of them being preſent, ſhall have the ſame powers and authorities in all things, for the purpoſes in *Stat.* 2 *Geo.* 1. *cap.* 12. & 3 *Geo.* 2. *cap.* 3. or herein mentioned, as the undertakers for the river Shannon, or the commiſſioners appointed by the ſaid act, or any quorum or number of them, had by force of the ſaid acts. New commiſſioners on vacancies.

XXXI. *ſect.* 2. The ſaid corporation, eleven or more of them being preſent, ſhall hold a general court or aſſembly at ſome convenient place in the city of Dublin, four times in every year, that is to ſay, every Monday next after the firſt day of May, Auguſt, November, and February reſpectively, and oftener, as the ſaid corporation, eleven or more of them being preſent, ſhall ſee occaſion, and ſhall at their general quarter's meeting which ſhall be held the Monday after the firſt day of February next enſuing the paſſing this act, and ſo on Monday next after the firſt day of February in every ſucceeding year, appoint out of themſelves twenty four commiſſioners to be called aſſiſtants, which ſhall be choſen in manner following, that is to ſay, Quarterly aſſemblies.

(2) The commiſſioners for each province then aſſembled five or more being preſent, ſhall chooſe ſix commiſſioners of the ſame province as aſſiſtants for that province for one year, and in caſe there be not five commiſſioners for one province preſent at the ſaid quarterly meeting, then it ſhall be lawful for the corporation ſo aſſembled, to chooſe and appoint ſix commiſſioners of the ſame province as aſſiſtants for ſuch provinces for one year from the time of ſuch election. Chooſing aſſiſtants.

Vacancies by death.

(3) And in case of the death of any assistants so chosen, it shall be lawful for the commissioners of the province or provinces respectively, five or more being present, or on failure thereof for the whole corporation, eleven or more of them being present, at the quarterly meeting next ensuing such death, to chuse in manner aforesaid such other commissioners as they shall think fit, to be assistants for the remainder of the year.

Places of meeting.

(4) And the said assistants, or any five of them, are impowered to meet at his Majesty's castle of Dublin or the parliament house, as often as they shall think proper, and shall put in force, and execute the regulations already made by the said commissioners, or which shall from time to time be made by the said corporation, eleven at least of them being present.

Examining complaints, &c.

XXXII. *sect.* 3. And it shall be lawful for the said assistants for the time being or any five of them, to examine all complaints, accounts of receipts, and disbursements, and all other matters relating to the trust reposed in the said corporation, as the said corporation, eleven or more of them being present, at any of their general meetings shall refer to them.

Acts to be confirmed.

(2) And the said assistants, or any five of them, shall from time to time lay their proceedings in the matters so to them referred, before the said corporation at any of their general meetings, but nothing done or agreed upon by the said assistants, shall bind or conclude the corporation or any other persons, unless the same shall be approved of and confirmed by the corporation at their general meetings, eleven or more being present.

Administering oaths.

(3) And it shall be lawful for the said assistants or any five of them, to examine any persons on oath touching the truth of any accounts or other matters which shall be referred to them, and in like manner the said corporation, eleven or more of them being present, are impowered to examine upon oath, any persons touching any account or matter relating to the trusts reposed in them.

Agreement of differences.

XXXIII. *sect.* 4. It shall be lawful for the said corporation at any of their general meetings, eleven or more of them being present, by instrument in writing under their common seal, to appoint three or more members of the said corporation, to treat and agree concerning all differences which arise with any persons, bodies corporate or politic, whose lands, &c. may be made use of, or are so situated as to be useful for the better carrying on any canal or work, or in making any rivers navigable, in such manner as the commissioners by the said two first recited acts, or any quorum of them, are impowered to determine differences between the undertakers therein named, &c. and the proprietors of such lands, yet so as that no agreement shall be final and conclusive until laid before the corporation, and by them ratified and approved thereof at one of their general meetings, eleven or more of them being present.

Summoning a jury.

(2) And if the persons so appointed, or any three of them, shall make no agreement, or the agreement if made shall not be ratified by the corporation in manner before mentioned, then it shall be lawful for the said three or more persons to cause a jury of the county where the matter in dispute shall arise, or the county adjoining, to be summoned, impannelled, and sworn in such manner as by the said first recited act is appointed, and the said jury shall finally determine all differences between the said corporation and any persons or bodies corporate, on account of any work in carrying on or finishing any canal or inland navigation pursuant to this act, or the said recited acts.

XXXIV. *sect.*

XXXIV. *ſect.* 5. It ſhall be lawful for the corporation hereby created, eleven or more of them being preſent, as they ſhall ſee occaſion, by inſtrument in writing under their common ſeal, to appoint ſuch perſons as they ſhall think fit, to mark and ſet out in maps to be made in parchment, proper places for roads through any lands not being a park, incloſed houſe, yard, or garden, orchard, planted walk or avenue to an houſe, belonging to any perſons, bodies politic or corporate, leading from any coal mine or other mine or mineral, towards any river or canal which ſhall be navigable. Maps of roads.

(2) And if the places marked and ſet out in ſuch maps be approved of by the corporation, or in caſe the ſame ſhall be any way altered by the corporation, eleven or more of them being preſent, it ſhall be lawful for the proprietors of coal mines or other mines or minerals, at their own proper coſts and charges, to make ſuch roads as they ſhall think convenient upon the grounds ſo ſet out and approved of, and to make drains, ditches, or trenches in ſuch manner as they ſhall think neceſſary for the making or keeping of any ſuch roads in repair, firſt making ſatisfaction to the occupiers and proprietors of the grounds, as ſhall be made uſe of or damaged in making ſuch roads, drains, trenches or ditches. Making roads. Satisfaction to owners.

(3) Which ſatisfaction, in caſe the ſame cannot be adjuſted by the parties, ſhall be finally aſcertained by a jury in ſuch manner as by this act is directed, for making ſatisfaction for ſuch grounds as ſhall be digged up or damaged in making or finiſhing any canal, or in making any river navigable. Aſcertained by a jury.

XXXV. *ſect.* 6. Provided that it ſhall be lawful for the proprietors of any other coal mine, mines, or minerals, near ſuch road, or ſuch other perſons as ſhall work ſuch adjacent coal mine or other mine, to make uſe of ſuch road to ſuch navigable water, they firſt paying a reaſonable contribution to the perſons making ſuch road, the ſaid contribution to be determined by a jury in manner aforeſaid. Proprietors of mines.

XXXVI. *ſect.* 7. It ſhall be lawful for the corporation hereby erected, eleven or more of them being preſent, to make navigable any rivers, although the ſame be not mentioned in the ſaid firſt recited act, and to apply the monies ariſing, or to ariſe from the duties mentioned in the act made in the twenty third year of his preſent Majeſty, in making all rivers in this kingdom navigable, and to make canals, cut trenches, or paſſages for water, through the grounds adjoining or near to ſuch rivers, for opening a communication between ſuch rivers, and other purpoſes in the ſaid acts mentioned. General powers.

(2) And alſo to turn or alter any highway in, upon, or near the ſaid rivers, canals, cuts, trenches, or paſſages, and to pull down, alter, or demoliſh any wear or other obſtruction in, upon, or contiguous to ſuch rivers, &c. which may hinder the navigation or paſſage thereon, as the ſaid corporation, eleven or more of them being preſent, ſhall think convenient, ſatisfaction being firſt made to the proprietors for any damage they may ſuſtain, in the manner herein before directed. Altering highways.

XXXVII. *ſect.* 8. Whereas by making rivers navigable, or in making canals, &c. thereto, the ancient bounds of counties may be defaced, and the rivers now navigable are the mears of the counties adjoining; if any perſon ſhall commit any felony or other offence upon any river now navigable, or any river, canal, &c. made in purſuance of this or the former act (*for Inland Navigation,*) ſuch perſons may be indicted and tried for the ſame in either of the counties next adjoining Trial for offences on rivers.

adjoining to the place where ſuch felony or offence ſhall be committed; ſo always as that no perſon ſhall be tried, or ſuffer puniſhment, more than once for any one felony or offence.

Property veſted in the corporation.

XXXVIII. *ſect.* 9. All the lands, &c. which are now, or which ſhall hereafter be taken in, purchaſed, embanked, encloſed, improved, and applied, and all bridges, locks, ſluices, flood-gates, drains, trenches, towing paths, or other ways, banks, or works, made, or to be made, by virtue of this preſent act, or the ſaid recited acts, are hereby veſted in the ſaid corporation, and their ſucceſſors, for ever, to be held and enjoyed by them, for the uſes and purpoſes herein, and in the ſaid recited act mentioned.

Damaging works.

XXXIX. *ſect.* 10. If any perſons ſhall wilfully damage or deſtroy any work made for the uſe of the navigation already made or carrying on, or which ſhall hereafter be made or carrying on, by virtue of this or the ſaid former acts, upon any navigable river, ſtream, canal, or inland navigation, in any part of this kingdom, for the uſe and conveniency thereof, or for preſerving the navigation thereof, all perſons ſo offending, being thereof lawfully convicted upon indictment, before the judges of aſſize where ſuch works, or any part of them, lieth, which ſhall be ſo damaged, ſhall forfeit treble the ſum which ſhall be neceſſary to be laid out in repairing ſuch work which ſhall be ſo damaged, which ſum ſhall be aſcertained by the verdict of the jury who ſhall find any perſon guilty of any of the offences aforeſaid.

Committal till payment.

(2) And all perſons convicted as aforeſaid, ſhall be committed to cloſe confinement, in the common gaol of the county, &c. where ſuch trials ſhall be had, and ſhall there remain without bail or mainprize, until they pay the ſum aſcertained by the ſaid jury, to the corporation, or to ſuch perſons as they ſhall appoint, by writing under their common ſeal, to receive the ſame, unleſs ſuch perſons ſhall be diſcharged by the corporation, eleven or more of them being preſent, by inſtrument in writing under their common ſeal.

Eſcaping out of gaol.

(3) And if the perſons ſo committed ſhall before they be releaſed or diſcharged as aforeſaid, eſcape, or be ſeen at large out of ſuch gaol, the ſheriff of the county, &c. to whom ſuch offender ſhall be committed, ſhall be anſwerable to the corporation, for the ſum aſcertained by ſuch verdict; and the corporation is empowered to ſue for, and recover the ſame, from ſuch ſheriffs in any court of record, in the four courts of Dublin, by action of debt, bill, plaint, or information, wherein no eſſoign, &c. ſhall be allowed.

Seizing offenders.

XL. *ſect.* 11. It ſhall be lawful for the collectors of the tolls appointed by the commiſſioners, by virtue of the act, 3 *Geo.* 2. who ſhall hereafter be appointed by the ſaid corporation hereby created, eleven or more of them being preſent, for collecting the tolls upon all boats, veſſels, goods, merchandizes, and paſſengers, navigating or paſſing upon any river or canal, now, or hereafter to be made navigable or paſſable in purſuance of this act, or the ſaid recited acts, to ſeize and detain any perſons whom they ſhall find or ſee actually committing any of the offences before mentioned, and to carry ſuch perſons, without any neceſſary delay, before one juſtice of the peace for the county, &c. where ſuch offence ſhall be committed, without any other authority for ſo doing.

Security for appearance.

(2) And ſuch juſtice is required to oblige ſuch perſons, being charged upon oath with any of the ſaid offences, to give ſecurity for their appearance at the next

next aſſizes for the county, &c. where ſuch offences ſhall be committed, and for want of a ſufficient ſecurity to commit the perſons ſo offending to the common gaol of the county where the offences ſhall be committed, until they can give ſuch ſecurity.

XLI. *ſect.* 12. No civil bill, action of debt, bill, plaint, or information ſhall be proſecuted by virtue of this act, againſt any ſheriff, except ſuch civil bill or ſuit ſhall be commenced, within one year next after ſuch offence ſhall be committed. Suit within a year.

XLII. *ſect.* 13. And if any ſuits ſhall be commenced againſt any perſons for any thing done in purſuance of this act, or the ſaid former acts, the action ſhall be laid in ſuch county where the cauſe of action did ariſe, and the defendants may plead the general iſſue, and give this act and the ſpecial matter in evidence, and that the ſame was done in purſuance of this act; and if it ſhall appear to be done, or ſuch actions ſhall be brought in any other county, then the jury ſhall find for the defendants, and upon ſuch verdict, or if the plaintiff ſhall be nonſuited or diſcontinue his action after the defendants ſhall have appeared, or if upon demurrer judgment ſhall be given againſt the plaintiff, the defendant ſhall recover treble coſts, and have the like remedy for the ſame, as any defendants have in other caſes to recover coſts by law. General iſſue, treble coſts.

XLIII. *ſect.* 18. Provided that if any perſon ſhall find himſelf aggrieved by the judgment of any juſtice of the peace, having power to hear and determine any offence againſt this, or the ſaid former acts, he or ſhe may appeal to the juſtices at the next general quarter ſeſſions of the peace for that county, who are hereby empowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame, and in caſe of conviction to iſſue warrants to levy the ſaid penalty by ſale of the offenders goods in manner herein before mentioned. Appeal to ſeſſion.

(2) And no order, judgment, or determination, which ſhall be had or given by any one or more juſtices of the peace, or at any general quarter ſeſſions, by virtue of this, or of the ſaid act of the third year of his preſent Majeſty, ſhall be removed or ſuperſeded by any writ of *certiorari*, or other writ. No *certiorari*.

XLIV. *ſect.* 23. It ſhall be lawful for the ſaid corporation, at their general aſſemblies, to appoint ſuch new officers, and to aſſign ſuch ſalaries for them, and alſo to add to, and encreaſe the ſalaries of all officers herein, or by any of the ſaid recited acts appointed, as the corporation, eleven or more of them being preſent, ſhall think fit, which additional ſalaries ſhall not exceed in the whole the ſum of three hundred pounds in any one year, and the ſame, and all other the ſalaries or yearly ſums herein before appointed, ſhall be payable during the pleaſure of the corporation only out of the ſaid duties. Appointing officers.

XLV. *ſect.* 24. And all the clauſes in the ſaid act of the third year of his preſent Majeſty contained, not hereby repealed or varied, ſhall be in full force. The act 3 G. 2. in force.

XLVI. *Stat.* 27. *Geo.* 2 *cap.* 3. *ſect.* 6. The additional duties (*granted by this act, See Tit.* **Beer and ale**, *&c.*) as they ſhall from time to time be brought into the receipt of his Majeſty's exchequer, ſhall be paid over by the vice treaſurer or receiver general, to the corporation for promoting and carrying Application of duties.

rying on an inland navigation in Ireland, without any fee or deduction, on the warrants of the ſaid corporation, under their common ſeal, without any further warrant; which monies ariſing from the ſaid additional duties ſhall be laid out by the ſaid corporation, or their order, in making the river Lagan navigable, and opening a paſſage by water between Lough-Neagh and the town of Belfaſt, and to no other uſe.

Allowance to officers.

XLVII. *ſect.* 7. For the encouragement of the officers and gaugers employed in the collection of the ſaid additional duties, it ſhall be lawful for the ſaid corporation, out of the monies ariſing thereby, to appoint to officers or gaugers, concerned in the collection of the ſaid duties, any ſum not exceeding twelve pence for every pound ſterling, that ſhall be ſo collected; the ſame to be diſtributed among ſuch officers or gaugers, in ſuch proportions as the ſaid corporation ſhall think fit, during the pleaſure of the ſaid corporation, and no longer.

Lagan navigable.

XLVIII. *ſect.* 8. The ſaid corporation, in order to open a paſſage by water between Lough-Neagh and the town of Belfaſt, are empowered to make the ſaid river Lagan navigable from the ſaid town of Belfaſt, to or beyond the bridge commonly called Spencer's bridge, and from thence to cut a canal in the moſt convenient manner to Lough-Neagh.

Diſputes concerning damages.

(2) And if any diſpute ſhall ariſe between the proprietors of the lands through which the ſaid inland navigation is to paſs, and the ſaid corporation, concerning any damages that may be occaſioned by making the ſaid river Lagan navigable, and cutting the ſaid canal to Lough-Neagh, the ſame ſhall be adjuſted and ſettled in ſuch manner as the diſputes which may ariſe between the commiſſioners for making and carrying on a canal through ſeveral parts of the counties of Downe, Armagh, and Tyrone, and the proprietors of lands through which the ſaid canal hath been already made, or ſhall be made, are directed to be adjuſted and ſettled by *Stat.* 25 *Geo.* 2. *cap.* 10.

Water for bleach-yards.

XLIX. *ſect.* 9. The ſaid corporation, or ſuch perſons as they ſhall by commiſſion under their common ſeal for that purpoſe appoint, may, if they think proper ſo to do, divert the water of the ſaid river Lagan from the ſaid navigation, in order to ſupply with water ſuch bleach-yards as are now watered by the ſaid river, in dry ſeaſons when there would not otherwiſe be a ſufficiency of water to anſwer the purpoſes of bleaching, and alſo of carrying on the ſaid navigation.

Aſſigning duties.

L. *ſect.* 10. The ſaid corporation, or any eleven, or more of them, are hereby empowered, at all times as to them ſhall ſeem convenient, by writing under their reſpective hands and corporation ſeal, to aſſign over the ſaid duties, or any part thereof, (the coſts and charges whereof are to be borne and paid out of ſuch duties) for any term during the continuance of this act, as a ſecurity for any ſums of money by them to be borrowed, not exceeding in the whole the ſum of four thouſand pounds ſterling to ſuch perſons, or their truſtees, who ſhall advance and lend the ſame in order to ſecure the repayment thereof, with lawful intereſt, or leſs if the ſame can be had; which money ſo to be borrowed ſhall be applied as the ſaid duties are by this act directed to be applied.

Publick act.

LI. *ſect.* 11. This act ſhall be a publick act, and ſhall be judicially taken notice of as ſuch without ſpecially pleading the ſame.

LII. *Stat,*

LII. *Stat.* 29 *Geo.* 2. *cap.* 10. *ſect.* 1. It ſhall be lawful for the corporation [*for promoting and carrying on an inland navigation*] at any of their quarterly or other general meetings, eleven or more of them being preſent, by inſtrument in writing under their common ſeal, to authorize and appoint, together with commiſſioners, as by the act, 25 *Geo.* 2. *cap.* 10. is directed, ſuch other perſons as they ſhall judge moſt proper, to treat and agree concerning all differences and diſputes which have ariſen, or may ariſe with any perſons, bodies corporate or politick, whoſe lands, &c. have been, or hereafter may be made uſe of, or are ſo ſituated as to be uſeful or neceſſary for the better carrying on and finiſhing any canal or work now carrying on, or which may be hereafter undertaken or carried on, or in making any rivers or waters navigable in any part of this kingdom, in ſuch manner as the commiſſioners, by the acts, 2 *Geo.* 1. *cap.* 12. & 3 *Geo.* 2. *cap.* 3. or the ſaid act, 25 *Geo.* 2. *cap.* 10. or any *quorum* of them, are empowered and directed to determine differences between undertakers in the ſaid two firſt acts named, their heirs, aſſignees, and nominees, and commiſſioners in the ſaid laſt act named, and the proprietors of ſuch lands. Appointing perſons to make agreements.

(2) And ſuch perſons as ſhall be appointed commiſſioners by virtue of this act, ſhall at all times hereafter have the ſame and the like powers and authorities in all things that commiſſioners or members of the ſaid corporation appointed by virtue of the ſaid act, 25 *Geo.* 2. had, or might have exerciſed by virtue of the ſaid act. Authority as members.

LIII. *ſect.* 2. It ſhall be lawful for ſuch perſons as ſhall be appointed commiſſioners, by inſtrument in writing by the ſaid corporation under their common ſeal, as herein before, and in the ſaid laſt recited act ſet forth, to treat and agree for, and value the lands which ſhall be made uſe of, or which ſhall be thought requiſite to be made uſe of, for the purpoſes aforeſaid, according to ſome certain ſquare meaſure, which ſhall be agreed on between the ſaid corporation, or commiſſioners appointed by them for that purpoſe, and the proprietors of the lands, who muſt, and ſhall be paid for the ſame, in manner as directed by the ſaid act, 2 *Geo.* 1. *cap.* 12. Agreements for land.

LIV. *ſect.* 3. In caſe the ſaid commiſſioners ſhall not be able to come to any agreement concerning the ſame, it ſhall be lawful for the jury, who ſhall be ſworn, to ſettle all differences and diſputes between the ſaid commiſſioners and corporation, and proprietors, in manner as by the ſaid laſt recited act is preſcribed, to aſcertain by their finding or verdict, how much ſhall be paid for every ſquare yard or perch, or other certain quantity which ſhall be made uſe of, and the amount of the whole ſum to be paid, as amends or ſatisfaction, for the ground to be made uſe of. Adjuſtment by a jury.

LV. *ſect.* 4. And in caſe other or more ground ſhall, by the variation of lines or otherwiſe, be cut, dug, or made uſe of, than was at firſt thought requiſite, or was comprized in ſuch agreement or verdict, or paid for, then the ſaid corporation ſhall immediately after the finiſhing of the works pay for ſuch more or ſurplus lands made, or to be made uſe of by them, according to the rate or price of the meaſure by which the value was firſt eſtimated, after a fair allowance, and deduction for ſuch part of the ground comprized in ſaid firſt agreement, as ſhall not have been uſed for, or damaged by the ſaid works. Allowance for land.

LVI. *ſect.* 5. It ſhall be lawful for the ſaid corporation, at all times, to make bye-laws, for the impoſing, regulating, and collecting tolls, rates, Making bye-laws.

rates, and duties, on every canal or river, that hath been made, or hereafter may be made navigable, either in whole or in part, in purſuance of any, or all the herein before mentioned acts, or any of them, with proper penalties for the breach of them, and to vary or change any ſuch bye-laws and penalties, as occaſions ſhall, to them, ſeem to require.

Payment of tolls.

(2) And as often as any ſuch bye-laws ſhall be made and ratified under the common ſeal of the ſaid corporation, and duly publiſhed on each reſpective canal or river ſo made navigable, from thenceforth the ſaid corporation, and all officers by them employed, ſhall have all the powers and remedies to enforce the payment of ſuch tolls, &c. by ſuch bye-laws impoſed, which by any of the acts herein before mentioned, were veſted in the undertakers for the Shannon, or in the commiſſioners appointed for putting in execution an act, 3 *Geo.* 2. *cap.* 3. and are now veſted in the ſaid corporation, with like remedy of appeal to every perſon who ſhall think themſelves to be in any caſe aggrieved.

Tolls limited.

LVII. *ſect.* 6. Provided that it ſhall not be in the power of the ſaid corporation to impoſe any higher toll, rate, or duty on any boat, or other veſſel, with any loading of any kind whatſoever, than might by the ſaid act, 2 *Geo.* 1. *cap.* 12. have been impoſed by the undertakers for the river Shannon, on any boats or veſſels navigating the ſaid river.

Approbation of bye-laws.

LVIII. Provided alſo, that ſuch bye-laws and penalties for the breach of them, be agreeable to the laws of this realm, and be firſt approved of, and ſigned by the lord chancellor, or lord keeper of the great ſeal of this kingdom, and the three chief judges for the time being, or any two of them.

May meet at any place.

LIX. *Stat.* 3 *Geo.* 3. *cap.* 11. *ſect.* 1. From and after the paſſing of this act, it ſhall be lawful for the ſaid twenty four commiſſioners, or aſſiſtants for the time being, or any five or more of them, as often as they ſhall think proper, to meet and aſſemble themſelves together, at any convenient place in the city or county of Dublin, according to their diſcretion, for the purpoſe of executing all ſuch powers and authorities as are given and granted to them by the ſaid recited act.

Building a houſe,

LX. *ſect.* 2. It ſhall be lawful for the ſaid corporation for promoting and carrying on an inland navigation in Ireland, to apply ſo much of the duties veſted in them by act of parliament, as ſhall be neceſſary for building a convenient houſe within the city or county of Dublin, and furniſhing the ſame with proper accommodations for the reception of the ſaid corporation and aſſiſtants to meet and aſſemble in, for putting in execution the ſeveral powers and authorities veſted in them by law, and until ſuch houſe ſhall be built and furniſhed as aforeſaid, to apply ſo much of the ſaid duties as ſhall be neceſſary, for the rent or hire of a houſe within the ſaid city or county of Dublin, fitting and proper for their accommodation.

rent or hire of a houſe.

Seven ſhall be a quorum,

LXI. *ſect.* 3. Seven or more of the ſaid corporation being preſent, ſhall at all times hereafter have full power and authority to do all ſuch acts, as any eleven, or other *quorum* or number of the ſaid corporation might have done by virtue of the ſeveral ſtatutes in that caſe made and provided, except to grant money for the carrying on of works now begun, or hereafter to be begun.

exception.

LXII. *ſect.*

LXII. *ſect.* 4. It ſhall be lawful for every overſeer appointed by the ſaid corporation, or any ſeven or more of them, to the care and direction of the works by them carried on, and for ſuch perſons as ſuch overſeer ſhall appoint, by order of the ſaid corporation, or any ſeven of them, firſt obtained for that purpoſe, to open any quarries, gravel, or ſand, or clay-pits or gravel, ſand, or clay-pits, and thereout to raiſe, dig, and gather ſtones, gravel, ſand, or clay, in the ſeveral grounds of any perſons, not being a garden, orchard, incloſed yard, deer park, planted walk, or avenue, to a houſe where any ſuch materials may be found, and carry away the ſame, or ſo much thereof as ſuch overſeer ſhall adjudge neceſſary to be made uſe of in any canal, track, road, or other works, undertaken or to be undertaken by the ſaid corporation, ſatisfaction being firſt made to the proprietors and occupiers of the grounds that ſhall be made uſe of or damaged thereby.

Power to overſeers,

opening quarries, &c.

ſatisfaction to owners, &c.

(2) Which ſatisfaction, in caſe the ſame cannot be adjuſted by the parties, ſhall be finally aſcertained by a jury, in ſuch manner as by the act of twenty fifth of his late Majeſty is directed for making ſatisfaction for ſuch grounds as ſhall be damaged in making or finiſhing any canal, or in making any river navigable.

Aſcertained by a jury.

LXIII. *ſect.* 5. And it ſhall be lawful for the ſaid corporation, or any ſeven of them, or ſuch perſons as they, or any ſeven of them ſhall authorize and appoint, to erect or cauſe to be erected, gates or turnpikes in, upon, or acroſs any track road, or other road which now is, or hereafter by the direction and order of the ſaid corporation, ſhall be made along or on the banks of any canal or navigable river, and all ſuch toll-houſes as they ſhall judge neceſſary, and the ſaid corporation, or any ſeven of them, may appoint ſuch tolls and duties to be there demanded, received, and taken, or may compound with any perſons for the ſame, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, not ſerving or helping any veſſel in puſſing up or down the ſaid canal or river, ſhall be permitted to paſs through ſuch gate or turnpike as they ſhall think fit and reaſonable.

Erecting turnpikes, and toll houſes,

appointment of tolls,

(2) And all the tolls or duties which ſhall be received or collected as aforeſaid, the neceſſary charges of collecting the ſame to be aſcertained by the ſaid corporation, or any ſeven of them, being firſt deducted, ſhall be applied to repair and keep up the ſaid road, and if not wanted for that uſe, to ſuch other uſe for the benefit of the works undertaken, or to be undertaken by the ſaid corporation as the ſaid corporation or any ſeven of them ſhall think proper and convenient.

Application of the tolls.

(3) And the ſaid corporation, or any ſeven of them, are hereby impowered by themſelves, or any perſons by them, or any ſeven of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid, upon any perſons who ſhall after demand thereof made neglect or refuſe to pay the ſame, by diſtreſs of any horſe or goods, upon which ſuch toll or duty ſhall be impoſed as aforeſaid, or upon any other of the goods or chattles of ſuch perſons who ought to pay the ſame, and may detain and keep the ſame until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid, and after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus, if any, upon demand to the owner thereof.

Power to levy tolls,

diſtreſs of goods,

ſale of diſtreſs.

Subſcription opened for 10,000l.

LXIV. *Stat.* 7 *Geo.* 3. *cap.* 26. *ſect.* 1. The corporation ſhall on or before the firſt of June next, open a ſubſcription for carrying on and compleating the navigation of the Shannon, from Limerick to the deep navigable water above Killaloe, and the ſame ſhall be kept open till 100001. ſhall be ſubſcribed.

20 per cent. paid in a month, or new ſubſcription.

LXV. *ſect.* 2. Such ſubſcribers ſhall within one calendar month after cloſing, pay in twenty pounds per cent. to perſons appointed by ſaid corporation; in default thereof the ſubſcription of every perſon failing ſhall be abſolutely void to all intents; and ſaid corporation ſhall open a new ſubſcription for filling up ſuch deficiency, and proceed as before directed.

Not under 50l.

LXVI. *ſect.* 3. None admitted to ſubſcribe leſs than fifty pounds.

Certificates given.

LXVII. *ſect.* 4. Said corporation ſhall give ſubſcribers after paying 20l. per cent. a certificate under ſeal, mentioning ſums reſpectively ſubſcribed and paid.

A company and body corporate.

LXVIII. *ſect.* 5. As ſoon as twenty pounds per cent. paid in, ſuch ſubſcribers united and erected into one company for carrying on ſaid navigation, and thenceforth one body politick and corporate by the name of the company of Undertakers for making the river Shannon navigable, have perpetual ſucceſſion, and common ſeal, and by that name ſue and be ſued.

Meet at Limerick, adjourn, make or vary bye-laws,

LXIXr *ſect.* 6. Said company from time to time, as often as occaſion, may aſſemble in Limerick and adjourn, and at ſuch aſſemblies or adjournments make bye-laws, rules, and orders for better government of their affairs and members, making contracts and agreements, and appointing ſervants and perſons for carrying it on, and vary or repeal the ſame and make new ones, provided all ſuch bye-laws, and orders conſiſtent with law, and

8 days notice.

eight days notice at leaſt, including the day of notice of meeting, be given of the time and place of ſuch aſſemblies in the publick news papers of Limerick.

Joint ſtock 10,000l. in 50l. ſhares, further ſubſcriptions added.

LXX. *ſect.* 7. The joint ſtock of ſaid company ſhall be the ſaid ten thouſand pounds ſubſcribed, and divided into ſhares of fifty pounds each, if neceſſary to ſubſcribe further, for compleating ſaid navigation, ſuch further ſums ſubſcribed ſhall be added to and become part of the joint ſtock.

1 vote every 5 ſhares;

LXXI. *ſect.* 8. None ſhall vote at aſſembly or intermeddle in any ſort, unleſs he has in his own name or right, or in right of teſtator, or inteſtate at leaſt five ſhares of ſuch joint ſtock; every member ſhall have one vote for every ſuch five ſhares; and members, who have right to vote, may appear in perſon or by proxy by writing under hand and ſeal; and majority of votes determine all matters; and if an equality, chairman ſhall have a caſting vote beſides his vote as member.

proxy under ſeal,

chairman caſting vote.

7 preſent.

LXXII. *ſect.* 9. At every aſſembly there ſhall be preſent in perſon or by proxy ſeven members at leaſt, who have a right to vote.

Proceedings entered.

LXXIII. *ſect.* 10. All accounts and tranſactions regularly and fairly entered in books for that purpoſe, to which every perſon having in his own name and right any ſhare, or his repreſentatives, may have acceſs at all reaſonable times to inſpect.

Money paid to the company, accounted for to parliament.

LXXIV. *ſect.* 11. Said corporation ſhall pay ſaid company or perſons authorized to receive the ſum of ſix thouſand pounds, and alſo ſuch ſums as ſhall have been paid in upon ſubſcriptions, to be applied by them in carrying on ſaid navigation, and accounted for to parliament.

Works, &c. veſted in the company,

LXXV. *ſect.* 12. The ſeveral lands, tenements, and hereditaments, bridges, locks, ſluices, drains, banks, dams, towing paths, and other ways, now

now veſted in ſaid corporation for ſaid navigation, and all materials and utenſils provided before firſt of June next for ſaid work, and all ſums granted for carrying it on, and which remain unapplied, ſhall immediately after ſuch company erected be veſted in ſaid company and ſucceſſors, who ſhall be inveſted with, hold, and enjoy all powers, privileges and advantages, and authorities in all things for carrying on ſaid navigation, as are now veſted in ſaid corporation by ſeveral acts in this kingdom, ſubject to the reſtrictions in ſaid acts, and from time to time to the controul of ſaid corporation. and powers.

LXXVI. *ſect.* 13. Said company not ſubject to any debt or damages incurred before firſt June next, by ſaid corporation or by perſons acting under their authority. Not ſubject to former debts.

LXXVII. *ſect.* 14. In conſideration of expence and trouble in making and maintaining ſaid navigation, ſaid company and ſucceſſors, may receive and ſue for every veſſel navigating ſaid river between Limerick and O'Brien's Bridge, upwards or downwards, in which any goods, merchandizes, or commodities carried, fifteen pence every tun, and for each paſſenger two pence; for every veſſel to or from Killaloe, or the deep navigable water above, in which ſuch goods carried, two ſhillings and ſix pence per tun, and every paſſenger four pence. Duties received; 15d per tun, paſſengers 2d. between Limerick, and O-brien's bridge, Killaloe 2s. and 6d. per tun, paſſengers 4d.

LXXVIII. *ſect.* 15. On refuſal ſaid company or ſervants may diſtrain ſuch veſſels or goods, and diſpoſe as uſual on diſtreſs for non-payment of rent, or recovered by civil bill; any diſpute adjuſted by any juſtice of county or city of Limerick, with liberty to appeal to next judges of aſſize for the county, whoſe determination final. Diſtrain as for rent; or civil bill, diſputes ſettled by a juſtice, appeal at aſſizes.

LXXIX. *ſect.* 16. No duty, rate, or cuſtom whatſoever, ſave herein mentioned, for any goods, merchandizes, or commodities by ſaid navigation to Limerick. No other duty for goods to Limerick.

LXXX. *ſect.* 17. Veſſels with dung or manure only, or for pleaſure only, pay no duty; with turf only pay no more than two pence per tun. Manure and pleaſure boats no duty, turf 2d. per tun.

LXXXI. *ſect.* 18. Proprietors of ſaid joint ſtock, executors, adminiſtrators, and aſſigns intitled to the tolls and profits hereby veſted in ſaid company in proportion to their intereſts, conſidered as perſonal eſtate not ſubject to any of the laws to prevent growth of popery. Intitled in proportion, perſonal eſtate not ſubject to popery laws.

LXXXII. *ſect.* 19. Aſſignment of any part of ſaid joint ſtock entered in a book kept for that purpoſe in place appointed by ſaid company. Aſſignments entered.

LXXXIII. *ſect.* 20. Aſſemblies convened as before may at all times, as occaſion requires, call upon proprietors to pay in remainder of ſubſcriptions, and ſuch further ſums as neceſſary to compleat ſaid navigation, provided ſuch further ſums exceed not in the whole twenty pounds per cent. of original ſubſcriptions; if any, their repreſentatives, or aſſigns refuſe or neglect to pay ſums ſo called for within ten days after time appointed by ſuch aſſemblies, notice ſhall be given in publick news papers of Limerick, that ſaid company will ſell by publick cant on a day ſpecified, ſuch ſhares; and unleſs before ſaid day ſuch ſums paid, ſaid company or perſon appointed ſhall ſell by publick cant, at Tholſel of Limerick ſuch ſhares; the money paid to ſaid company for uſe of ſuch proprietors thenceforth for ever barred of ſuch ſhares, and all profit and intereſt in law and equity, thenceforth veſted in ſuch purchaſers. Calls for ſubſcriptions, on refuſal 10 days notice, publick ſale of ſhares.

LXXXIV. *ſect.* 21. Such notice at leaſt twenty one days previous to ſale, including days of notice and ſale. 21 days notice.

Turnpikes.

LXXXV. *ſect.* 22. Said company may erect turnpikes on the track way on either ſide of ſaid navigation, and take the following tolls, and diſtrain and ſell as uſual at other turnpikes, every coach, berlin, chariot, or chaiſe drawn by ſix horſes, one ſhilling, by leſs than ſix and more than one, ſix pence; every waggon, cart, or carriage with four wheels, ſix pence; one horſe chaiſe, three pence; every car or cart with more than one horſe, two pence; with one horſe, one penny.

The toll.

LXXXVI. *ſect.* 32. Toll paid only at one gate, and once the ſame day.

Ferry over Shannon,

toll.

LXXXVII. *ſect.* 24. May eſtabliſh and keep a ferry over the Shannon from Rebough to the oppoſite ſide, and take the following tolls, diſtrain and ſell as uſual in caſes of ferries, every coach, berlin, chariot, or chaiſe by ſix horſes, one ſhilling; by more than one, ſix pence; one horſe chaiſe, three pence; cart or car with one horſe, three halfpence; a horſe, mare, or mule, one penny; every paſſenger, one halfpenny.

Dividends.

LXXXVIII. *ſect.* 25. The clear profits to the company from the ſeveral duties hereby veſted in them or otherwiſe, or ſo much as thought proper, ſhall from time to time at Lady-day and Michaelmas, or within fifteen days after, be paid and divided to and amongſt proprietors of ſaid joint ſtock in proportion to their ſhares and intereſt.

Boat owner's name, abode, and tunnage ſet on.

LXXXIX. *ſect.* 26. Owners of all veſſels navigating ſaid river between Limerick and Killaloe, ſhall cauſe their names and abode with the dimenſions or tunnage to be ſet on ſome conſpicuous part of ſuch veſſels, and in default forfeit forty ſhillings, to any perſon who ſhall ſue by civil bill to his own uſe.

Anſwerable for the crew.

XC. *ſect.* 27. Maſter of ſuch veſſel and owner anſwerable for any damage or miſchief by any of the crew or perſons belonging to it to any of the navigation works or the goods laden in ſuch veſſel.

Breaking the works, treble damages.

XCI. *ſect* 28. Perſons who wilfully break or damage any works for uſe of ſaid navigation, being convicted on information or indictment, forfeit to the company treble the ſum neceſſary to repair; aſcertained by the jury who try the offence; and the judge ſhall commit to common gaol till offender pays ſuch ſum, ſuch offence may be laid or tried in the county or county of city of Limerick.

General iſſue.

XCII. *ſect.* 29. Perſons proſecuted for any thing done in purſuance of this act may plead general iſſue, and give the ſpecial matter in evidence; and this deemed a publick act.

a publick act.

Duties on coaches, &c. by 3 G. 3. continued 7 years from 25 Mar. 1772.

XCIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 4. *ſect.* 1. The ſeveral rates, impoſitions, and duties on coaches, berlins, chariots, calaſhes, chaiſes, and chairs, cards and dice; wrought and manufactured gold and ſilver plate, by an act 3 G. 2. granted and made chargeable, further granted, continued, raiſed, collected, levied, and paid to his Majeſty for the uſe of the corporation for inland navigation; from 25th March 1772, during the further term of ſeven years thence next enſuing.

Raiſed as by 3 G. 2. c. 3. or 25 G. 2. c. 10.

XCIV. *ſect.* 2. All ſaid duties raiſed, collected, levied, and paid as by 3 G. 2. or an act 25 G. 2. for amending the ſame, or by any other law now in force relating to ſaid duties, as fully and effectually as if ſaid acts repeated and re-enacted in this act; and all penalties and forfeitures by ſaid acts or any of them, which ſhall incur during ſaid ſeven years, ſued for, recovered, and applied as by ſaid acts; and the ſeveral offenders ſubject to ſuch puniſhment on non-payment as appointed by ſaid acts.

ſame penalties.

XCV. *ſect.*

XCV. *ſect.* 3. It ſhall be lawful for ſaid corporation, wherefoever it appears to them, that the making or compleating any inland navigation (the property of which is by any law veſted in them) will be too expenſive to be compleated at the publick charge alone, in every ſuch caſe to transfer the property of ſuch navigation or river with its ſoil, banks, drains, houſes, tolls, duties, utenſils, and all other matters appertaining, unto any company of private undertakers, willing to carry on and compleat the ſame, and who ſhall propoſe to ſaid corporation ſuch a ſcheme as ſaid corporation ſhall at their diſcretion judge beneficial for the publick ſervice, and in which ſcheme ſaid ſubſcribers ſhall propoſe to pay the ſum, at which the compleating ſaid work ſhall be eſtimated, and ſhall alſo propoſe to compleat ſaid work within a certain time limited by ſaid corporation; and in ſuch caſe ſaid corporation out of the ſeveral duties granted by this act, may give ſuch ſubſcribers an aid towards carrying on ſuch navigation, not exceeding in the whole one ſixth part of the ſum neceſſary for carrying on and compleating ſuch navigation; no payment nevertheleſs to be made by ſuch corporation, on account of or towards any ſuch aid, until ſuch company of ſubſcribers make it appear to ſatisfaction of ſaid corporation, that ſince the time of entering into the contract, herein after mentioned, there has been ſubſcribed, paid in, and actually expended in and on account of ſaid work, five times ſo much money as ſhall be then demanded, and has been at any time granted by ſaid corporation ſince the time of their entering into ſuch contract for ſaid work, upon which, proof having been made to ſatisfaction of ſaid corporation, they ſhall iſſue their warrant for payment of ſuch ſixth part of the ſum ſo expended.

Property transferred to ſubſcribers, on a ſcheme propoſed and approved,

and 1-6th given as an aid, of ſum expended, on ſufficient proof.

XCVI. *ſect.* 4. Such property not transferred to ſubſcribers till application firſt made to ſaid corporation at ſome meeting, at which ſeven members at leaſt preſent, who ſhall give publick notice in the Gazette, that they will proceed on ſuch buſineſs, ſpecifying the ſame, on a certain day diſtant thirty days at leaſt from the day on which ſuch notice firſt inſerted in the Gazette, and until ſaid application firſt agreed to at a meeting in conſequence of ſuch notice, at which no leſs than fifteen of ſaid corporation preſent and aſſenting.

7 members preſent,

to give 20 days publick notice, 15 to aſſent at meeting.

XCVII. *ſect.* 5. Every ſuch agreement reduced into writing by deeds executed between ſaid corporation and ſubſcribers; which ſubſcribers ſhall bind themſelves to execution of ſaid work, according to ſuch agreement under a penalty, or under terms of forfeiting all property and benefit in ſaid work, at diſcretion of ſaid corporation.

Agreement in writing to ſubſcribers bound.

XCVIII. *Stat.* 11 & 12 *Geo.* 3. *cap.* 24. *ſect.* 1. Whereas ſeveral inconveniencies may be remedied by erecting a lock acroſs the river from the pier of the long dock, and making the ſpace between ſaid lock and new bridge, a ſafe and convenient place for ſhips to lie in; it ſhall be lawful for the corporation for promoting and carrying on an inland navigation, to erect ſuch lock as before mentioned, and to apply ſuch part of the money granted to them by parliament, as they ſhall think proper for that purpoſe, not exceeding one thouſand five hundred pounds in the whole.

The corporation may erect a lock croſs the Shannon from the pier of the long dock,

and apply grant from parliament, not exceeding 1500l.

XCIX. *ſect.* 2. Said corporation ſhall, from and immediately after the paſſing this act be veſted with all and ſingular the ſame powers, property, and rights, for making ſuch lock, as are at preſent veſted in them by any law for making any inland navigation in this kingdom.

Veſted with all power as for any inland navigation.

C. *ſect.*

Subjects ſhips of 20 tun or upwards not laden to pay 2d. per ton, laden 4d.

C. *ſect.* 3. It ſhall be lawful for the corporation, or any perſons authorized by them under their ſeal, as ſoon as ſuch lock compleated, to take and levy upon all ſhips and veſſels, which ſhall come within ſaid lock, or paſs through, any ſum in their diſcretion, not exceeding the following rates, for every ſhip or veſſel belonging to any of his Majeſty's ſubjects of twenty tuns burthen or upwards, and not being laden, or in ballaſt only, two pence per tun; being laden, or having any cargo on board, four pence per tun; for every foreign ſhip or veſſel not being laden, or in ballaſt only, four pence per tun; being or having any cargo on boad, ſix pence per tun, and in caſe of refuſal to pay ſaid ſeveral rates, it ſhall be lawful for ſaid corporation, and their ſervants to enter into and diſtrain ſuch ſhips or veſſels, or their tackle or furniture, or the goods therein, for the ſame, and to diſpoſe thereof, as in caſes of diſtreſs for non-payment of rent, or to ſue for and recover the ſame by civil bill.

foreign not laden 6d.

by diſtreſs or civil bill.

Entry to take dimenſions, diſputes as to tunnage determined by collector, or next officer.

CI. *ſect.* 4. It ſhall be lawful for the ſervants of ſaid corporation to go on board ſuch ſhip or veſſel to take the dimenſions; and any diſpute concerning the tunnage, ſhall be finally determined by the collector, or in his abſence, by the next ſuperior officer in the port of Limerick, who are hereby reſpectively impowered and required to determine the ſame.

Contract for making the lock and keeping in repair, transfer the property, rights, and duties.

CII. *ſect.* 5. It ſhall be lawful for ſaid corporation to contract with any perſons, or body corporate, for making ſuch lock, and keeping in conſtant repair, and finding proper perſons to attend, upon ſuch terms as they ſhall think reaſonable, and for that purpoſe to aſſign and transfer by writing under ſeal of ſaid corporation unto ſuch perſons, or body corporate, all or any part of the property, rights, and powers hereby veſted in ſaid corporation, and alſo the duties before mentioned, or any part; and thereupon ſuch property, powers, and duties of ſuch part thereof as ſo transferred, ſhall be veſted in, held, and enjoyed by the perſons, or body corporate, to whom ſo transferred; any law or ſtatute to the contrary thereof in any wiſe notwithſtanding.

General iſſue,

CIII. *ſect.* 6. If any ſuit commenced or proſecuted againſt any perſon for any thing done in purſuance of this act, ſuch perſons may plead the general iſſue, and give the ſpecial matter in evidence; and this act ſhall be d emed and taken to be a publick act, and judicially taken notice of as ſuch.

a publick act.

Subſcribers on certificate of corporation may take any leaſes or years of lands neceſſary,

CIV. *Stat.* 11 & 12 *Geo.* 3. *cap.* 25. *ſect.* 4. Every company of ſubſcribers (their plan being firſt approved of by the corporation for promoting and carrying on an inland navigation, and a certificate of ſuch approbation being previouſly obtained under ſeal of ſaid corporation) ſhall have full power and authority to purchaſe or take any leaſe for any term of years of all ſuch lands, as may be neceſſary for making or carrying on ſuch navigations, and for towing paths, banks, back drains, the ſite of lock-houſes, ware-houſes, mills, or other engines neceſſary or properly connected with ſuch canals, as alſo on red or unprofitable bogs, of ſtripes of ground running parallel with ſuch canals, and on either ſide of the ſame, ſuch ſtripes of bog, nevertheleſs not in any place to extend above twenty perches in depth from the edge of the water of ſuch canal.

bogs not above 20 perches depth from edge of the canal.

Perſonal property, not ſubject to popery laws.

CV. *ſect.* 5. All ſuch ſubſcriptions, ſhares, and proportions in ſuch partnerſhips and companies ſhall be perſonal property only, and ſubject to the

ſeveral

ſeveral laws affecting the ſame, and ſhall not in any degree be ſubject to any of the laws made to prevent the growth of popery.

Duties granted by 27 G. 2. c. 3. & 3 G. 3. c. 6. continued 9 years.

CVI. *Stat.* 11 & 12 *Geo.* 3. *cap.* 26. *ſect.* 1. The ſeveral duties and impoſitions in 27 G. 2. c. 3. further granted, continued, raiſed, levied, and paid unto his majeſty, his heirs and ſucceſſors, for nine years from the 25th of December, 1773, and no longer, in and throughout that part of the diſtrict of Liſburn, commonly known and diſtinguiſhed by the gaugers walks of Belfaſt, Liſburn, Moira, and Hillſborough, including ſuch part or parcel of the manors of Hillſborough, Kilwarlin, Caſtlereagh, and Statneals, as were excepted in the former act; all which additional duties ſhall be levied and collected in the manner, and by ſuch ways and means as appointed by ſaid act of twenty ſeventh of his late majeſty, and third of his preſent majeſty, and every clauſe or article in ſaid acts, or either of them, ſave in ſuch particulars or reſpects as the ſame may be altered by this act, ſhall remain and continue in full force for nine years.

Paid without deduction upon drafts ſigned by ſeven local commiſſioners,

laid out in opening a paſſage between Loughneagh and Belfaſt.

CVII. *ſect.* 2. Said additional duties, as from time to time brought into the receipt of exchequer, ſhall be paid out without any fee or deduction by the vice treaſurer or receiver general, upon an order or draft, ſigned by the perſons, who are by the commiſſioners for promoting and carrying on an inland navigation in Ireland, appointed local commiſſioners for carrying on the navigation of the river Lagan, or by any ſeven of the perſons hereafter choſen or appointed in their room, or in the room of any of them, local commiſſioners for carrying on ſaid navigation; and all the money ſo ariſing from ſaid additional duties, ſhall be laid out or expended by ſaid commiſſioners, or their order, in opening a paſſage by water between Lough-Neagh and Belfaſt, and to no other uſe or purpoſe.

Aſſignable by 7 commiſſioners at ſtated meetings as ſecurity for money borrowed,

or debentures given, not leſs than 50l.

CVIII. *ſect.* 3 Said local commiſſioners, or the perſons appointed in their room, or any ſeven or more, are hereby impowered from time to time, and at all times, at any of their ſtated or publick meetings, by writing under their reſpective hands and ſeals, to aſſign over ſaid duties granted by ſaid acts, or by this act, or any part thereof, the coſts and charges whereof are to be borne and paid out of ſuch duties, for any time or term during continuance of this act, as a ſecurity for any money to be borrowed by them for the purpoſes aforeſaid, to ſuch perſon or perſons, or their truſtees, in order to ſecure the re-payment with lawful intereſt, or leſs, if the ſame can be had, or if the ſame ſhall be found more convenient, to iſſue and give receipts or debentures, under hands and ſeals of ſeven or more of ſaid commiſſioners, upon the payment of any ſums of money (no one of ſuch ſums being leſs than fifty pounds) which ſhall be lent and advanced to ſaid commiſſioners for the uſe of ſaid work, to the perſon and perſons who ſhall lend and advance, to be chargeable upon, and payable out of ſaid additional duties, and according to the terms which ſhall be agreed upon between ſuch creditors and ſaid commiſſioners, or any ſeven or more, and ſpecified in ſaid debentures, to make the ſums ſo advanced to bear an intereſt, until the principal ſums ſhall be paid, or to grant or appoint ſuch yearly ſums or annuities to be paid out of ſuch duties, to the perſon or perſons, his, her, or their executors, adminiſtrators, and aſſigns, who ſhall advance any money for all or any part of the term for which ſaid duties are granted, in full diſcharge and ſatisfaction of the principal and intereſt of the ſums to be lent, as ſhall be agreed upon, and ſpecified in ſaid debentures; and every perſon,

transferable by indorſement,

regiſtered, viewed without fee at uſual time,

ſon, to whom ſuch debenture given, may by indorſement or debenture transfer the right and benefit; and ſuch indorſement, upon notice to the clerk or regiſter of ſuch commiſſioners, and an entry in the book kept by them, of the orders and proceedings of ſuch commiſſioners, and which clerk or regiſter ſhall upon requeſt without fee or reward make accordingly, and upon requeſt permit to be viewed at the uſual hour or time of his attendance, ſhall intitle the indorſee or aſſignee, or his executors, adminiſtrators, and aſſigns, to the ſole benefit of the ſums ſo transferred or aſſigned by ſuch aſſignees, their executors, adminiſtrators, or aſſigns, and from time to time, as often as occaſion ſhall require, and after ſuch aſſignment made, it ſhall not be in the power of the perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſame, or the ſums thereby transferred or aſſigned, or any part thereof.

ſo from time to time, not after in power of aſſignor.

A publick act.

CIX. *ſect.* 4. This act adjudged, deemed, and taken as a publick act, and judicially taken notice of by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

Continuance 9 years from 25 Dec. 1773.

CX. *ſect.* 5. This act ſhall continue and be in force for nine years from the 25th of December 1773, and no longer.

A ſubſcription immediately opened for the navigation from Dublin to the Shannon till 600ool. ſubſcribed,

CXI. *Stat.* 11 & 12 *Geo.* 3. *cap.* 31. *ſect.* 1. Immediately after this preſent act ſhall paſs into a law, the corporation for promoting and carrying on an inland navigation, ſhall open a ſubſcription for carrying on and compleating the navigations from the city of Dublin to the Shannon, or ſo much thereof, as to the ſaid corporation ſhall ſeem expedient; and the ſaid ſubſcription ſhall be kept open, until ſixty thouſand pounds ſubſcribed for the purpoſes aforeſaid.

Depoſite of 5 per cent. in a month, or ſubſcription void.

CXII. *ſect.* 2. Such ſubſcribers ſhall, within one calendar month after ſuch ſubſcription cloſed, pay in five *per cent.* of the ſums by them reſpectively ſubſcribed, to ſuch perſons appointed for that purpoſe by ſaid corporation; and in default thereof the ſubſcription of every perſon failing to pay ſhall be abſolutely void to all intents and purpoſes whatſoever; and ſaid corporation ſhall open a new ſubſcription for filling up ſuch deficiency, or until the ſaid ſum of ſixty thouſand pounds in the whole, ſhall be ſubſcribed, and a depoſite of five *per cent.* be made thereupon, and ſhall then proceed therein in the manner herein before deſcribed.

Not under 50l.

CXIII. *ſect.* 3. No perſon permitted to ſubſcribe leſs than fifty pounds.

As ſoon as 5 per cent. paid, entered into a company, a body corporate named, may take lands not above 500l. a year, at the time, grant, alien, or demiſe, carry on and compleat the canal and communication with the Liffey, Barrow, Boyne, if ſuch intention expedient, open all rivers, make out lets, cuts, &c.

CXIV. *ſect.* 4. As ſoon as five *per cent.* upon ſuch ſubſcription paid as aforeſaid, ſuch ſubſcribers ſhall be united and erected into one company for carrying on ſaid navigation, and from thenceforth be one body politick and corporate by name of the company of undertakers of the grand canal, and have perpetual ſucceſſion, and a common ſeal, and by that name ſue and be ſued, and th nceforth capable in law to purchaſe, and take meſſuages, lands, tenements and hereditaments, not exceeding the value of five hundred pounds a year at the time of ſuch purchaſe, and to grant, alien, demiſe, or diſpoſe of the ſame, or any part at their free will and pleaſure, and ſaid company ſhall thenceforth by virtue of this act be fully empowered by themſelves, their agents, overſeers, workmen, and ſervants to carry on and compleat ſaid canal, and ſuch communication, as to ſaid company ſhall ſeem moſt convenient, between ſaid canal and the river Liffey, and alſo a communication or canal between ſaid grand canal and the navigable parts of the Barrow, together with the navigation of ſaid river Barrow, from the ſources thereof to the

the bridge of Athy, and to join the ſaid grand canal with the Boyne, if ſuch junction ſhall to ſaid company ſeem expedient; and ſaid company ſhall in like manner be empowered to open all rivers, and make all [illegible], off-branches, cuts and navigations, [illegible], paſſages, dams, and weirs as may by ſaid company be judged neceſſary for carrying on ſaid works, or for [illegible] ſaid canals and navigations with water.

Aſſemble in Dublin from time to time, and adjourn, make bye-laws and orders, appoint ſervants, vary or repeal, ſettle wages,

CXV. *ſect.* 5. It ſhall be lawful for ſaid company from time to time, as occaſion ſhall require, to aſſemble in the city of Dublin, and adjourn ſuch aſſemblies; and at ſuch aſſemblies or adjournments make ſuch bye-laws, rules, or orders for better government of their affairs and members, and making ſuch contracts or agreements, and appoint ſuch ſervants and perſons for carrying on ſaid navigation as they ſhall think fit, and to vary and repeal ſuch bye-laws, rules, and orders, and make new ones for the good and orderly uſing of ſaid navigation; and for ſettling the wages, and well governing the bargemen, watermen, and boatmen, who ſhall convey any goods thereon, and to impoſe reaſonable fines and forfeitures to be levied by ſuch ways and means as the company ſhall direct, ſo as no ſuch fine ſhall exceed five pounds upon any perſon for one offence; and the ſaid bye-laws, being put into writing under ſeal of ſaid company, ſhall be binding to and be obſerved by all parties, and be ſufficient in any court of law or equity to juſtify all perſons, who ſhall act under the ſame, or in levying any penalty or forfeiture thereby incurred.

impoſe fines, not above 5l. one offence, bye-laws in writing under ſeal binding, and a juſtification in any court.

Bye-laws approved by the chancellor and 3 chief judges, or any two,

CXVI. *ſect.* 6. Said bye-laws ſhall not be contrary to the laws and ſtatutes of this realm, but approved by the chancellor, chief juſtice of the king's bench, chief juſtice of the common pleas, and chief baron of the exchequer, or any two of them.

8 days inclusive notice of meeting advertiſed.

CXVII. *ſect.* 7. Eight days notice at leaſt, including the day of notice and day of meeting, previous to ſuch meeting ſhall be given of the time and place of holding ſuch aſſemblies in ſuch publick news papers of the city of Dublin, as ſhall be agreed on by ſaid company.

Appeal in 6 months to quarter ſeſſions,

CXVIII. *ſect.* 8. Any perſon who ſhall think himſelf aggrieved by any order or judgment in purſuance of any ſuch bye-law, may complain within ſix months then after to the juſtices at quarter ſeſſions in the county wherein ſuch bye-laws ſhall be carried into execution, or in the county of the city of Dublin, who ſhall in a ſummary way hear and determine ſuch complaint at ſuch ſeſſions; and, if they ſee cauſe, may mitigate or alter ſuch fines or forfeitures, and order any money to be returned, which ſhall have been levied or paid in purſuance of ſuch bye-law; and alſo order ſuch ſatisfaction and give ſuch coſts to the party injured, as they ſhall judge reaſonable.

where fines mitigated and ſatisfaction and coſts ordered.

Joint ſtock 60,000l. with further ſubſcriptions not exceeding 150,000l.

CXIX. *ſect.* 9. The joint ſtock of ſaid company ſhall be ſixty thouſand pounds, together with all ſuch further ſums (not exceeding in the whole one hundred and fifty thouſand pounds) which ſhall be ſubſcribed, and upon which ſuch payment of five *per cent.* ſhall be made within one calendar month from the time ſuch original ſubſcription ſhall be cloſed; and alſo ſuch other ſums, as ſaid company at ſome general meeting, ſhall judge neceſſary to be raiſed by ſubſcription for carrying on ſaid work; which ſums, when ſubſcribed, ſhall be added to and become a part of the joint ſtock of ſaid company.

Divided into 50l. ſhares.

CXX. *ſect.* 10. The joint ſtock of ſaid company ſhall be divided into ſhares of fifty pounds each.

New ſhares of 50l. each may be made out and ſold and added to joint ſtock.

CXXI. *ſect.* 11. And whereas ſaid ſubſcribers cannot enjoy the full profits of ſaid undertaking until the ſame be compleated; but their monies advanced muſt for ſome time remain without producing any intereſt to themſelves, and it is reaſonable that future ſubſcribers ſhould reap the benefit of ſaid work, upon the ſame terms as those who ſhall have borne the principal part of the hazard and loſs which at firſt may be incurred: at any time after one calendar month next enſuing the cloſing of the ſaid original ſubſcription ſaid company ſhall be minded to enlarge their capital ſtock, and their original ſubſcriptions ſhall at ſuch time be valued above par, or at more than the ſum originally ſubſcribed, ſaid company are impowered from time to time to cauſe new ſhares of fifty pounds each in the ſaid joint ſtock to be made out, and to ſell the ſame to any ſubſcribers at ſuch rate, as ſaid company ſhall appoint or by publick cant; and the ſaid ſums ſo ſubſcribed ſhall be added and become part of the joint ſtock of ſaid company.

5 ſhares to intitle to vote or intermeddle,

CXXII. *ſect.* 12. No perſon ſhall vote at any aſſembly of the ſaid company, or have any right to intermeddle in any ſort in the affairs of ſaid company unleſs he or ſhe ſhall have in his or her own name and right, or in right of teſtator or inteſtate, at leaſt five ſhares of ſuch ſtock; and every member ſhall have one vote in all ſuch aſſemblies for every five ſhares of the firſt twenty ſhares, he or ſhe ſhall have in ſuch joint ſtock, and the reſpective members who ſhall have a right to vote at ſuch aſſemblies may appear either in perſon or by proxy appointed by inſtrument in writing under their reſpective hands and ſeals; and the majority of votes at ſuch aſſemblies ſhall determine all matters in queſtion; and if an equality of votes, the chairman ſhall have a caſting vote beſides his vote as a member.

vote by proxy under ſeal,
determined by majority,
caſting vote to chairman.

50 having right to vote muſt be preſent in perſon or by proxy.

CXXIII. *ſect.* 13. At every ſuch aſſembly there ſhall be preſent in perſon or by proxy fifty members at leaſt, who ſhall have a right to vote or otherwiſe ſuch aſſembly ſhall have no power to carry into execution any of the powers or authorities hereby given.

None to have in his own right above 4 votes,
lord mayor, &c. to have 20, ſo long as poſſeſſed of 10,000l. capital ſtock,
may appoint 20 to attend.

CXXIV. *ſect.* 14. No perſon ſhall have in his own right more than four votes in any ſuch aſſembly; and the lord mayor, ſheriffs, and citizens of Dublin, who have engaged to ſubſcribe ten thouſand pounds, ſo long as they ſhall continue to be poſſeſſed of ſaid capital ſtock of ten thouſand pounds towards ſaid work, ſhall have twenty ſuch votes in every ſuch aſſembly; and it ſhall be lawful for ſaid lord mayor, or aldermen, and citizens, to appoint any number of perſons, not exceeding twenty, to attend for them at all ſuch aſſemblies, and to vote, and in all reſpects act like other ſubſcribers to ſaid joint ſtock.

Proceedings entered,
inſpected by any having a ſhare in his own right.

CXXV. *ſect.* 15. Accounts, tranſactions, and proceedings of ſaid company ſhall be fairly and regularly entered in books for that purpoſe, to which every perſon having in his own name and right any ſhare in ſuch joint ſtock, or his or her repreſentatives, may have acceſs at all reaſonable times to inſpect.

The company veſted with like powers, as the corporation,

CXXVI. *ſect.* 16. The ſeveral lands, tenements, and hereditaments, waters, water courſes, bridges, locks, ſluices, drains, banks, dams, roads, towing paths, and other ways now veſted in ſaid corporation for promoting and carrying on an inland navigation, or now in poſſeſſion and enjoyment of ſaid corporation, for carrying on the ſaid navigation between Dublin and the Shannon, and between ſaid grand canal and the bridge of Athy on the river Barrow, and alſo the materials and utenſils which have been or ſhall be provided for carrying on ſaid work; and any, and every ſum of money heretofore granted

granted for any part of ſaid works, and which may remain unexpended, ſhall, immediately after ſuch company ſhall be ſo erected, be veſted in ſaid company and their ſucceſſors, and ſuch company and their ſucceſſors, ſhall from and after the time aforeſaid be inveſted with, and hold and enjoy all and ſingular the powers, privileges, advantages, and authorities in all things for the purpoſes of carrying on ſaid navigation from Dublin to the river Shannon, with all the parts, members, and the connexions thereof, as are now veſted in ſaid corporation, to enable them to open the communication and canal between the end of the preſent canal and the river Liffey; and to enable them to ſummon juries, as by the acts are directed, for the valuing any lands, houſes, tenements, and hereditaments, as may be neceſſary for compleating ſaid work, and for making ſuch wharfs, quays, ſtore houſes, market houſes, locks, baſons, and docks, as may be judged by ſaid company proper for ſaid work; and ſaid company may be enabled to purchaſe and hold ſuch lands, tenements, and hereditaments, for the purpoſes aforeſaid; and further, ſaid company veſted with like powers to enable them to carry on and compleat the ſaid canal from the grand canal to the river Barrow and the bridge of Athy, and ſo much of the water of ſaid river Barrow, and of the Blackwood, as may be neceſſary for carrying on ſaid navigation, firſt making compenſation for all ſuch mills and lands as may be damaged by ſaid works, and with powers to purchaſe banks and towing paths neceſſary for ſaid navigation, and with like power to open the communication from ſaid grand canal to the river Boyne.

as to money unexpended,

for the navigation from Dublin to the Shannon,

from the canal to the Liffey, ſummon juries to value lands, &c.

from the canal to the Barrow,

making compenſation for damage, and to the Boyne.

CXXVII. *ſect.* 17. If neceſſary for ſaid company in proſecution of ſaid work, to purchaſe any houſe or garden, they ſhall have full power by this act to purchaſe the ſame, in ſuch manner as hereby impowered to purchaſe any lands or other hereditaments, any exception in any former act notwithſtanding.

May purchaſe any houſe or garden.

CXXVIII. *ſect.* 18. All ſuch lands, tenements, and hereditaments, as have at any time heretofore been valued by juries, for carrying on and effecting ſaid grand canal, and for which purchaſe money hath not yet been paid or tendered, ſhall be veſted in ſaid company, as fully and effectually to all intents and purpoſes whatſoever, as if ſaid corporation had immediately after ſuch verdicts pronounced judgment on ſuch verdicts, and had paid or tendered the money ſo aſſeſſed; provided the ſaid company ſhall within twelve months from the time of paſſing this act pay, or tender and depoſit, the ſeveral ſums ſo aſſeſſed by the juries.

Lands, &c. valued by juries, and purchaſe-money not yet paid, veſted in the company, if ſums aſſeſſed, paid or tendered in 12 months.

CXXIX. *ſect.* 19. In all caſes, where ſaid verdicts have found the value of the lands ſo enquired into at a certain rate by the acre, and at a certain number of years purchaſe, according to the quantity of lands which may be taken, according to ſuch rate, without ſpecifying the preciſe quantity of land which might be wanting, or the exact ſum which ſhould have been paid, all ſuch verdicts heretofore given ſhall be good and effectual to all intents and purpoſes whatſoever; and the ſaid company under ſuch verdicts ſhall have full power to take in ſuch quantities of ſaid lands, as may be neceſſary for ſaid navigation, or for raiſing materials for the ſame, according to ſuch valuations; firſt aſcertaining the quantity of land wanting, or paying, or tendering, and depoſiting the money for the ſame, at the rates in ſuch verdicts mentioned; provided ſuch quantities of land ſhall be aſcertained, and the purchaſe money paid, tendered, or depoſited as aforeſaid, within twelve months from the paſſing this act.

Verdicts good on aſcertaining the quantity of land, and paying purchaſe money in 12 months.

Bog purchaſed, not exceeding 50 perches on either ſide from the navigable water.

CXXX. *ſect.* 20. Said company, empowered and authorized to cauſe to be valued, and to take in and purchaſe, ſuch portions of bog between the hill Downings and the river Shannon, and between the grand canal and the bridge of Monaſtereven, as they may judge expedient, not exceeding in breadth fifty perches on either ſide from the navigable water of ſaid canals; ſuch valuations and purchaſes to be made in ſuch manner as ſaid corporation are impowered to proceed in purchaſing lands for any navigation according to the laws now ſubſiſting.

Rivulets and brooks interſected may be taken with the Morrel,

CXXXI. *ſect.* 21. It may be lawful for ſaid company to take, turn, or draw the waters of the rivulets or brooks, commonly called Blackwood river, Cuſhaling, and Tiguele, and Eſker, and ſuch other brooks and rivulets as may be interſected by ſaid navigations, or any part thereof, together with the ſaid river Morrel, or ſo much as they ſhall judge neceſſary, the ſaid company making ſatisfaction to the proprietors of any mills or bleach-greens on ſaid rivers, rivulets, or brooks, as ſhall receive any damage thereby; provided ſuch mills or bleach-greens were erected before the firſt of March 1772.

ſatisfaction for damage to mills or bleach-greens erected before 1 March 1772.

Water drawn from the Liffey above the ford at Millicent,

CXXXII. *ſect.* 22. It may be lawful for ſaid company to take, turn, and draw from ſuch part of the river Liffey, as ſhall be found moſt convenient above the ford at Millicent in the county of Kildare, into the ſaid canal, ſo much water as they ſhall judge convenient for ſaid works, provided the water ſo to be taken does not exceed the quantity, that would freely flow through a ſluice, ſewer, or circular hole or bore, not more than two feet ſix inches in the clear, and for providing a regular ſupply of water, when neceſſary, from ſaid river to ſaid canal.

not more than thro' a ſewer of 2 feet 6 inches.

A water-courſe and lock with ſuch a bore.

CXXXIII. *ſect.* 23. Said truſtees impowered to make a cut or water-courſe from ſaid canal to ſuch part of ſaid river Liffey as aforeſaid; and at or near the communication of ſuch water or water-courſe with the ſaid river to affix a lock, flood-gate, or dam, in which there ſhall be cut a circular hole or bore, not exceeding two feet ſix inches diameter, and ſhall fix thereupon a braſs, copper, or iron plate, for the admiſſion of ſuch quantity of water, and no more, except when ſuch locks opened for admiſſion and paſſage of any boat or veſſel.

Wyer acroſs the Liffey,

CXXXIV. *ſect.* 24. Such company before ſuch cut or water-courſe may be at liberty to erect one wyer or dam acroſs ſaid river Liffey, ſo as to raiſe the level of the water in ſuch cut or water-courſe to the level of the navigable water in ſuch canal; and to purchaſe any land, not more than one acre, contiguous to ſuch water-courſe or cut; ſaid company firſt making ſatisfaction for the value of ſaid land, and for any ſuch damage as may be done by ſuch wyer or drain, in the manner herein before directed.

Purchaſe one acre contiguous, ſatisfaction for the land and damage.

Redundant water may be ſet or ſold,

CXXXV. *ſect.* 25. Whenever there ſhall be a redundancy of water in ſaid canal, more than may be neceſſary for the uſes of navigation, that it ſhall be lawful for ſaid company to ſet or ſell all ſuch redundant water, or ſo much thereof as they ſhall judge expedient for bleach-greens, mills, or manufactures, or other uſe whatſoever; and to with-hold the ſame from all ſuch perſons as ſhall not pay to ſaid company an adequate compenſation for ſaid water; and that the abſolute and ſole property in ſaid water ſhall be veſted in ſaid company.

ſole property of the water in the company.

CXXXVI. *ſect.* 26. Nothing herein contained ſhall extend to enable ſaid company to draw off from the river Liffey more than ſufficient for the purpoſe

poſe of ſaid navigation; and ſhall not enable them to draw off water for the ſake of ſelling or letting out ſuch water, it being the true intent and meaning of this act, that no water ſhall be ſold, let, or diſpoſed of, other than ſuch as may happen from a caſual redundancy in ſaid canal. Not to draw more from the Liffey than ſufficient for ſaid navigation.

CXXXVII. *ſect.* 27. In conſideration of the expence and trouble, which ſaid company ſhall be put to in making and maintaining ſuch navigation, together with off-branches thereof, it ſhall be lawful for ſaid company, and their ſucceſſors, at all times hereafter to aſk, demand, receive, and ſue for the uſe of ſaid company the ſeveral rates and duties herein after mentioned; for every boat, barge, or other veſſel, navigating ſaid navigations, or any part thereof, either upwards or downwards, in which any goods, merchandizes, or commodities, or other matter whatſoever, ſhall be carried, ſuch rates and duties as ſaid company ſhall by their bye-laws ordain and appoint, not exceeding the ſum of three pence for every mile for every tun of the burthen or tunnage of ſuch barge, or other veſſel, or for every tun weight of ſuch goods, merchandizes, commodities, or other matter whatſoever, which ſhall be carried upwards or downwards, at the diſcretion of ſaid company; and for each paſſenger in any ſuch veſſel any ſum not exceeding two pence for every mile ſuch paſſenger ſhall be carried, and an additional rate, not exceeding two pence per tun, for every lock any ſuch veſſel ſhall paſs through the ſaid communication between ſaid canal and river Liffey. Rates to uſe of the company, veſſels navigating up or down with goods, as ordained by bye-laws not exceeding 3d. per mile per tun, or tun weight of goods, paſſenger 2d. per mile. 2d. per tun every lock,

CXXXVIII. *ſect.* 28. In caſe of refuſal to pay ſaid duties, it ſhall be lawful for ſaid company and their ſervants either to diſtrain ſuch boats, barges, or other veſſels, or the goods therein, for the ſame, and diſpoſe thereof as uſual in diſtreſs for non-payment of rent; or to ſue for the ſame by civil bill; in caſe any diſpute ſhall ariſe touching the ſum to be paid for every ſuch rate, the ſame ſhall be adjuſted by any juſtice of the county or city, in which ſuch diſpute, with liberty to appeal to either party from ſuch determination to the next judge of aſſize for the county; or in caſe the ſaid diſpute ſhall ariſe in the city of Dublin, or in the county of ſaid city, to the juſtices of ſaid city at the quarter ſeſſions, whoſe determination ſhall be final. by diſtreſs, or civil bill, diſputes adjuſted by any juſtice of the county, appeal to judge of aſſize, or ſeſſions in Dublin.

CXXXIX. *ſect.* 29. No duty, rate, toll, or cuſtom whatſoever, ſave the rates herein mentioned, ſhall be taken for, upon, or out of any goods, merchandizes, commodities, or other matter whatſoever, which ſhall or may be carried by ſaid navigation to or for any place whatſoever. No other toll or cuſtom.

CXL. *ſect.* 30. The proprietors of ſaid joint ſtock, their executors, adminiſtrators, and aſſigns, intitled to the tolls, duties, and advantages and profits hereby veſted in ſaid company, in proportion to their reſpective intereſts in the joint ſtock of the ſaid company; ſubject to ſuch charges, as ſaid company ſhall think fit to make for the compleating and preſerving ſaid works, and the ſoil and water of the canals, together with the banks thereof, and ſuch other portions of ground, as the ſaid company are impowered to acquire by virtue of this act; and the ſaid proprietors intereſt therein deemed and adjudged in all courts of law and equity to be perſonal and not real eſtate, and alſo deemed and adjudged in the hands of ſaid proprietors, their executors, adminiſtrators, and aſſigns, not ſubject to or to be affected by any of the laws to prevent the further growth of popery, or ſubject to any diſcovery under the ſame; and no perſon being or becoming a member or ſubſcriber for carrying on ſaid navigations, ſhall thereby, or in reſpect of his intereſt in the capital ſtock of ſaid company, be liable to be a bankrupt, within Tolls, &c. veſted in proprietor to intereſts, ſubject to charges, and the ſoil, water, banks, and ground acquired, ſaid intereſt perſonal eſtate, not affected by popery laws, nor bankrupt laws,

no foreign attachment.

within the meaning of any law concerning bankrupts; nor ſhall the capital ſtock of ſaid company, or the intereſt of any particular member therein, be liable to any foreign attachment.

May be bequeathed or aſſigned,

CXLI. *ſect.* 31. It ſhall be lawful for every proprietor of ſuch joint ſtock to bequeath the ſame, or to aſſign in his life; and every aſſignment, which ſhall be made of any part of the joint ſtock, ſhall be entered and made in a book for that purpoſe, kept at ſuch place as appointed by ſaid company; and no aſſignment deemed good, until entry in ſuch book.

aſſignment entered.

Calls by aſſembly for payment of ſubſcriptions,

not exceed 20l. per cent. in one year,

on neglect 30 days, advertiſed for publick ſale,

CXLII. *ſect.* 32. It ſhall be lawful for ſaid aſſemblies convened as before directed, as occaſion ſhall require, to make one or more call or calls upon the ſeveral proprietors of ſaid joint ſtock, to pay in ſuch parts of their ſubſcriptions, as ſaid aſſemblies ſhall think neceſſary for carrying on ſaid works; provided ſuch calls ſhall not exceed twenty pounds *per cent.* on the ſeveral original ſubſcriptions in any one year; and in caſe any of the proprietors, their repreſentatives or aſſigns, ſhall refuſe or neglect to pay the ſum, ſo called for, within thirty days after the time appointed by ſuch aſſemblies for the payment thereof, notice ſhall be given in the publick newspapers aforeſaid, that ſaid company will proceed to ſell by publick cant, on ſuch day as ſpecified in ſuch notice, the ſhare of the perſon ſo refuſing or neglecting; and unleſs ſuch perſon ſhall, before the day ſpecified in ſuch notice pay the reſpective ſums ſo called for to ſaid company, or ſuch perſon as they appoint, ſhall ſell by publick cant at the uſual place of ſaid company's meeting, the ſhare or ſhares of the perſons ſo refuſing; and the money, for which ſold, ſhall be paid to ſaid company, for uſe of ſuch proprietor; and ſuch proprietor from thenceforth for ever barred from ſuch ſhare and all profits ariſing therefrom, and of all intereſt in the ſame, both in law and equity; and ſuch ſhare, and all profits and advantages ariſing therefrom, ſhall thenceforth be veſted in ſuch purchaſer.

the money on ſale to the proprietor,

the ſhare to purchaſer.

30 days notice incluſive.

CXLIII. *ſect.* 33. Such notice ſhall be given at leaſt thirty days previous to ſuch ſale, including the day of notice, and of ſale.

Turnpikes erected on track ways, and toll taken.

CXLIV. *ſect.* 34. It ſhall be lawful for ſaid company to erect one or more turnpikes upon and acroſs any of the track-ways, which now are or ſhall be made on either ſide of the ſaid navigation, and to take and receive the following tolls, for which they may diſtrain and ſell as uſual at other turnpikes; for every coach, berlin, chariot, or chaiſe drawn by ſix horſes one ſhilling; for every coach, berlin, or chaiſe, by leſs than ſix and more than one, ſix pence; every waggon, two ſhillings and ſix-pence; every cart or other carriage with four wheels, ſix pence; every car or cart with one horſe, one penny; every drove of oxen, cows, or neat cattle, twenty pence by the ſcore; of calves, hogs, ſheep, goats, or lambs, ten pence; and ſo in proportion for any greater or leſſer number.

At one gate but once a day, no publick road obſtructed.

CXLV. *ſect.* 35. Such toll paid only at one gate, and but once in any one day; and no road, which is now publick, ſhall be thereby obſtructed.

Profits divided at Lady day and Michaelmas, or 15 days after each.

CXLVI. *ſect.* 36. The clear profits, which ſhall ariſe to the ſaid company from the ſeveral duties hereby veſted in them, or otherwiſe, or ſo much thereof as ſhall be thought proper, ſhall from time to time, at Lady-day and Michaelmas, or within fifteen days after be paid to and amongſt the reſpective proprietors of ſaid joint ſtock in proportion to their ſhares and intereſts therein.

CXLVII. *ſect.*

CXLVII. *ſect.* 37. The owner of every veſſel or boat navigating ſaid canal, or any off-branches, ſhall cauſe his, her, or their names and places of abode, and alſo the name of the perſon having care of ſuch veſſel or boat and his place of abode, with the dimenſion or tunnage, to be painted in large capital letters on the upper part of the bow on each ſide of ſuch veſſel or boat, and kept conſtantly legible; and ſaid ſeveral particulars to be entered in a book kept by ſaid company for that purpoſe, and alſo the ſaid boat to be numbered as aforeſaid, or in default thereof, every ſuch owner ſhall forfeit forty ſhillings, recovered by any perſon who will ſue.

Name and abode of boat owners, &c. and tonnage, painted in capitals, and kept legible, and entered, and boat numbered,

penalty 40s.

CXLVIII. *ſect.* 38. The owner of every ſuch boat or veſſel navigating ſaid canal, or any off-branches, anſwerable for any damage or miſchief, done by any crew, or perſons belonging to ſuch boat or veſſel, to any of the works of ſaid navigation, or to any goods laden in ſuch boat or veſſel.

Owner anſwerable for damage by crew.

CXLIX. *ſect.* 39. If any perſon having the charge or management of any boat or other veſſel, or navigating or working the ſame, ſhall lay ſuch boat or veſſel ſo as to obſtruct the paſſage of other boats or veſſels, and ſhall not upon requeſt immediately remove, or ſhall hinder the opening or ſhutting any of the locks, ſluices, dams, or other works, or if the perſon having the care or management of ſuch veſſel ſhall be abſent (unleſs by reaſon of ſome inevitable accident) from the boat or veſſel to which he belongs, at any time during the courſe of the paſſage on the ſaid canal, cuts, or river, every perſon ſo offending, ſhall, for every ſuch offence, forfeit any ſum not exceeding forty ſhillings.

Obſtructing paſſage, abſence from his boat without inevitable accident, forfeit not above 40s.

CL. *ſect.* 40. If any perſon ſhall wilfully throw any ballaſt, ſtones, dung, dirt, rubbiſh, or clay into ſaid canal or cuts, or in any parts of ſaid navigation, or ſhall, without conſent of ſaid company, lay any ſtones, dung, dirt, rubbiſh, brick, lime, timber, or clay, on any track, road, or bank belonging to ſaid canal or navigation, ſuch perſon being thereof convicted before any juſtice of the county, or county of the city, where ſuch offence committed, by the oath of one witneſs at leaſt, ſuch perſon ſhall forfeit to ſaid company, forty ſhillings; and in caſe ſuch offender ſhall not immediately after conviction pay ſuch ſum, ſhall by warrant of ſaid juſtice be ſent to the houſe of correction, kept to hard labour for ſuch time as ſuch juſtice ſhall direct, not exceeding three months: and if any perſon ſhall keep any raft or timber, or boards floating on ſaid navigation, or any part, without conſent of ſaid company, being convicted before any juſtice as aforeſaid, ſhall forfeit forty ſhillings to ſaid company for any damage thereby.

Throwing in rubbiſh, &c. or laying on the track or bank without conſent, convicted before a juſtice by one witneſs 40s.

if not immediately, to houſe of correction not above 3 months,

floating raft 40s.

and ſatisfaction for damage.

CLI. *ſect.* 41. If any other veſſel ſhall happen to be ſunk, and the owner or perſon having the care ſhall not without loſs of time weigh or draw up the ſame out of the way of other veſſels paſſing upon ſaid navigation, any agent or ſervant of ſaid company may cauſe ſuch boat or veſſel to be weighed or drawn up, and detain until payment of all expences occaſioned thereby; and if any ſuch payment not made in four days, ſhall cauſe ſale to be made for reimburſing ſaid expence or incident charges, and return overplus to owner of ſuch boat or veſſel.

Sunk boats weighed and detained till payment of expences, if not in 4 days, ſold.

CLII. *ſect.* 42. If any perſon ſhall maliciouſly open, or cauſe to be opened, any lock, ſluice, dam, gate, or water-courſe belonging to ſaid navigation, or ſo leave any of the ſame open or running, after any boat or veſſel ſhall have paſſed any lock belonging to ſaid navigation, or otherwiſe maliciouſly miſpend or waſte the water of ſaid navigation, every perſon for ſuch

Opening or leaving open locks, &c. £3.

breaking or damaging the works, forfeit treble on indictment or information in the ſame county, aſcertained by the jury, impriſoned till payment.

ſuch offence ſhall forfeit three pounds; and if any ſhall wilfully and maliciouſly break down or damage, or cauſe to be broken down or damaged, any of the works which are already made, or which ſhall be made, for uſe of the ſaid navigation, all ſo offending, and being convicted upon information or indictment, ſhall forfeit to ſaid company treble the ſum neceſſary to be laid out in repairing ſuch damage, which ſhall be aſcertained by the jury, who ſhall try ſuch offence, and the judge before whom ſuch offence ſhall be tried, ſhall commit ſuch offenders to the common gaol, till they ſhall pay ſaid company the ſums ſo aſcertained; ſuch offence ſhall be laid in the county in which the ſame happened.

Money borrowed, not exceeding ſubſcriptions actually expended at intereſt not above 5 per cent. debentures ſtruck, a lien on the eſtate.

CLIII. *ſect.* 43. If ſaid company have occaſion, at any time, to borrow money for carrying on ſaid works, it ſhall be lawful for ſaid company to borrow, upon the credit of ſaid works, and their eſtate therein, any ſum, not exceeding amount of the ſubſcriptions actually expended on ſaid works, at any rate of intereſt, not exceeding five pounds *per cent. per annum*, and to ſtrike debentures for ſuch ſum ſo borrowed, in ſuch manner as ſaid company, by their bye-laws, ſhall appoint; which debentures ſhall be an actual charge and lien upon ſuch parts of ſaid company eſtate, as therein ſpecified.

General iſſue, a publick act.

CLIV. *ſect.* 44. If any ſuit commenced or proſecuted againſt any perſon for any thing done in purſuance of this act, ſuch perſon may plead the general iſſue, and give the ſpecial matter in evidence: and this ſhall be deemed and taken a publick act.

27 G. 2, c. 3. 3 G. 3. c. 6. 11 & 12 G. 3. c. 26. continued 32 years, from 25 Dec. 1782.

CLV. *Stat.* 13 & 14 *Geo.* 3. *cap.* 12. *ſect.* 1. The ſeveral duties and impoſitions in and by the act granted to his Majeſty George the ſecond, and chargeable in the manner therein mentioned, further granted and continued, raiſed, levied, and paid unto his Majeſty, his heirs and ſucceſſors, for thirty two years, from the 25th of December 1782, and no longer, in and throughout that part of the diſtrict of Liſburn, commonly known and diſtinguiſhed by the gauger's walks of Belfaſt, Liſburn, Moira, and Hillſborough, including ſuch parts or parcels of the manors of Kilwarlin, Caſtlereagh, and Slotneats, as were contained in ſaid act of the twenty-ſeventh year of George the ſecond, but excepted in the act of the third of George the third; and all ſaid additional duties ſhall be levied and collected in the manner, and by ſuch ways and means, as appointed by ſaid act the twenty ſeventh of his late Majeſty, and the ſaid act, and alſo ſaid acts of the third, and of the eleventh and twelfth of his preſent Majeſty, and every clauſe or article in ſaid acts, or any of them, ſave as altered by this act, ſhall remain and continue in full force for thirty two years, from the twenty-fifth of December one thouſand ſeven hundred and eighty-two.

Said duties, as brought into exchequer, paid without deduction upon draughts of 7 local commiſſioners;

CLVI. *ſect.* 2. Said additional duties, as they ſhall from time to time be brought into the exchequer, ſhall be paid over without any fee or deduction by vice treaſurer or receiver general, upon an order or draught, ſigned by the perſons, who are by the commiſſioners for promoting and carrying on an inland navigation in Ireland, appointed to be local commiſſioners for carrying on ſaid navigation of the river Lagan, or to be ſigned by any ſeven of them, or by any ſeven of the perſons who may hereafter be choſen or appointed in their room, or in the room of any of them, or who may by ſubſcribing one hundred pounds in manner herein after mentioned, become local commiſſioners

missioners for carrying on said navigation; and all monies so arising from said additional duties, shall be laid out or expended by said commissioners, or their order, in compleating the said navigation now carrying on from Lisburn, through Blair's to Spencer's bridge, and from thence to Loughneagh, and paying such money, and the interest thereof, as shall be borrowed for that purpose.

laid out on the navigation, &c.

CLVII. *sect.* 3. The local commissioners, or persons hereafter chosen and appointed local commissioners, or any seven or more, are hereby empowered from time to time, to assign over said duties granted by said acts, or this act, and also all such tolls as shall or may arise from conveyance of any timber, goods, and merchandizes through or along said navigation, for securing repayment of any sums, not exceeding in the whole ten thousand pounds, which they may be enabled to borrow, and the payment of the interest thereof, in such manner and form as herein after mentioned and appointed, that is to say, said local commissioners, or any seven or more, or any seven or more of the persons hereafter chosen or appointed local commissioners for said navigation, shall and may at all times hereafter at any of their stated or publick meetings by any instruments, or writings in nature of debentures, or in such form as shall be agreed upon and approved of by them, and the persons advancing their money, under their respective hands and seals, assign over said duties and tolls, or order or appoint the same, or so much thereof as sufficient for that purpose, to be paid for any term or time during continuance of this act, as a security for any money to be borrowed by them for the purpose aforesaid, to such persons, or their trustees, as shall advance and lend the same, to the intent and purpose, that such persons, or their trustees, or executors, administrators, or assigns, shall and may be paid and receive thereout such yearly interest, not exceeding the legal interest, as shall be agreed upon by said commissioners and said persons for the sums so to be advanced by them, from the time of advancing the same, unto the end and expiration of twenty years, from the 25th of December 1773, and from thenceforth during the continuance of this act, until they shall be repaid their said principal sums; and after the expiration of twenty years, such person or persons, his, her or their trustees, executors, administrators, or assigns, shall and may, after application of so much of said tolls and duties as shall be necessary to pay off and discharge the interest of all principal sums, not exceeding in the whole ten thousand pounds, which shall be due thereupon, out of the remainder of such tolls and duties, be paid and receive five hundred pounds annually in addition to the yearly sum or sums which for said term of twenty years will be necessary to pay off the interest of said principal sums; but after said term, as the said principal sums shall be paid off, it is meant should go in aid of said annual sum of five hundred pounds, in discharge of the principal sums due, and in acceleration of the payment thereof, such annual sum of five hundred pounds, and such yearly sums, as by discharge of any principal sums shall not be wanting to pay the interest thereof, to be applied in discharge of the principal sum or sums remaining due to such person or persons, their trustees, executors, administrators, or assigns, according to the priority and order in which said principal sums lent and advanced.

7 local commissioners may assign duties and tolls for payment of 10,000l.

by debentures at stated meetings agreed on with lenders;

with interest not exceeding the legal;

for 20 years from 25 Dec. 1773.

500l. annually in addition;

payment of principal in priority and order.

CLVIII. *sect.* 4. Nothing in this act shall in any sort interfere with or prejudice the demands of any creditors, who may have advanced any money on

Creditors under 11 & 12 G. 3. c. 26. not prejudiced.

any

any ſecurity granted purſuant to ſaid act of the eleventh and twelfth of his preſent majeſty.

Debentures regiſtered numerically;

CLIX. *ſect.* 5. And for encouragement of lending money, and making a more certain ſecurity, all ſuch aſſignments or debentures, executed and given as aforeſaid, for ſums lent and advanced, ſhall be regularly and carefully entered by the clerk or regiſter of ſaid commiſſioners in a book kept by him for that purpoſe in numerical order according to the time and priority, in which the ſame ſhall have been executed and granted, and to which book all ſaid creditors ſhall at reaſonable times have acceſs; and ſaid clerk or regiſter ſhall indorſe upon every of ſaid aſſignments or debentures the number, according to which the ſame ſhall have been entered in ſaid book, and ſubſcribe his name under ſuch indorſement.

acceſs to creditors;

number indorſed, ſubſcribed by clerk.

Intereſt paid half yearly by collectors and treaſurers as by indorſements;

CLX. *ſect.* 6. The collector within the ſaid diſtrict, who ſhall collect ſaid duties, and the treaſurer to ſaid local commiſſioners into whoſe hands ſaid tolls ſhall be paid, ſhall out of the firſt of ſaid duties and tolls, which ſhall come reſpectively into their hands, pay and diſcharge half yearly, as the ſame become due, all intereſt due to ſaid creditors reſpectively, according to and in ſuch order as it ſhall appear to ſuch collector or treaſurer from ſuch indorſements, that the ſame have been granted; and after the expiration of twenty years from the 25th of December 1773, until which time it is not hereby intended the ſaid commiſſioners ſhall be compelled to pay any part of ſaid principal ſums, next after payment of intereſt due to ſaid creditors, ſuch collector and treaſurer ſhall pay and apply five hundred pounds yearly, out of ſaid duties and tolls, to the diſcharge and payment of the principal ſums, then due and owing to ſaid creditors, their executors, adminiſtrators, or aſſigns, together with ſo much of ſaid annual ſums as during ſaid twenty years are to be applied to payment of the intereſt of ſaid principal ſums, but afterwards, as ſaid principal ſums ſhall be diſcharged, will not be wanting for payment of the intereſt thereof, according to and in order aforementioned.

commiſſioners not compelled to pay principal for 20 years from 25 Dec. 1773, afterwards 500l. yearly out of the duties and tolls.

Receipts by debenture owners allowed vouchers in accounts by collectors or treaſurer.

CLXI. *ſect.* 7. Such receipts and acknowledgments, as given by the owners or holders of ſaid debentures for the payment of their intereſt and principal, in order and manner aforeſaid, ſhall be allowed by the treaſurer or vice treaſurers, of ſaid commiſſioners, as ſufficient vouchers or acquittances to ſuch collector or treaſurer in all accounts, they ſhall furniſh or ſettle, of or concerning the duties and tolls before mentioned.

7 commiſſioners if neceſſary ſhall for 20 years after, paying all intereſt, apply ſaid tolls to the navigation; and after 20 years, and the 500l. annually, &c. apply the remainder.

CLXII. *ſect.* 8. Said local commiſſioners, or any ſeven or more, or the perſons hereafter appointed local commiſſioners, or any ſeven or more, ſhall and may, if found neceſſary, for twenty years from the 24th of December 1773, after payment of all intereſt due to ſaid creditors, according to order and priority aforeſaid, and not ſooner, apply and expend the remainder of ſaid duties and tolls to the purpoſes of carrying on ſaid navigation; and from the expiration of ſaid twenty years after payment of all intereſt due to ſaid creditors, and of the yearly ſum of five hundred pounds, and ſuch annual ſums as by diſcharge of any principal ſums ſhall not be wanting to pay the intereſt thereof, in diſcharge of the principal ſums remaining due to ſaid creditors, according to the order and priority aforeſaid, and not ſooner, apply and expend the remainder of ſaid duties and tolls in proſecution of ſaid work.

Lender of 100l. a local commiſſioner, while poſſeſſed of debenture;

CLXIII. *ſect.* 9. Every perſon, who ſhall advance or lend one hundred pounds to ſaid local commiſſioners upon ſuch ſecurities as aforeſaid, ſhall thenceforth

thenceforth be and continue a local commiſſioner of ſaid navigation to all intents and purpoſes whatſoever, during ſuch time as he ſhall continue poſſeſſed of ſuch ſecurity or debenture; and any perſon, to whom he ſhall aſſign the ſame, ſhall be and continue to be a local commiſſioner of ſaid navigation during ſuch time as he ſhall continue poſſeſſed of ſuch ſecurity or debenture, to all intents and purpoſes; and if the perſon poſſeſſed of ſuch ſecurity or debenture for one hundred pounds ſhall be a woman, it ſhall be lawful for ſuch woman by writing under her hand and ſeal to appoint and depute ſome fit and proper man to act and vote for her at all meetings of local commiſſioners; and no local commiſſioner or her repreſentative, ſhall have more than one vote or voice upon any occaſion whatſoever.

ſo of aſſignee;

a woman may depute under hand and ſeal;

only one vote.

CLXIV. *ſect.* 10. Perſons to whom any aſſignments or debentures given and perfected by this act, may by indorſement transfer the right and benefit of the ſame; and ſuch indorſement upon notice to the clerk or regiſter of ſuch commiſſioners, and entry thereof in the book of orders and proceedings of commiſſioners, and which ſuch clerk or regiſter ſhall upon requeſt without fee or reward make accordingly, and permit to be viewed at uſual hour or time of attendance, ſhall entitle endorſee or aſſignee, his executors, adminiſtrators and aſſigns, to the ſole benefit of the ſums ſo transferred or aſſigned: and the ſaid aſſignments or debentures may in like manner be again transferred or aſſigned by ſuch aſſignees, executors, adminiſtrators, or aſſigns, and ſo from time to time, as often as occaſion ſhall require; and after ſuch aſſignment, it ſhall not be in the power of the perſons who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſame, or the ſums thereby transferred or aſſigned, or any part.

Debentures tranſferable by indorſement;

on notice to clerk and entry, viewed on requeſt without fee, ſhall intitle indorſee;

ſo from time to time;

not after in power of aſſignor.

CLXV. *ſect.* 11. This act ſhall be judged, and taken as a publick act, and judicially taken notice of by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

A publick act.

CLXVI. *ſect.* 12. This act ſhall continue and be in force for forty one years from the 25th of December 1773, and no longer.

Continued 41 years from 25 Dec. 1773.

CLXVII. *ſect.* 13. The duties granted by ſaid acts, and this act, within the diſtricts aforeſaid, ſhall ceaſe and determine, as ſoon as other duties within ſaid diſtrict of equal yearly value to ſaid duties on beer and ale ſhall be provided for, and granted by parliament in lieu thereof.

Said duties to ceaſe if other of equal value provided.

CLXVIII. *ſect.* 14. As ſoon as ſaid communication by water between Belfaſt and Lougneagh ſhall be compleated, and all debts borrowed, and expences incurred on account thereof paid off; this act, and every thing therein contained, ſhall ceaſe and determine, and be utterly void to all intents and purpoſes whatſoever.

To ceaſe on compleating the work and payment.

CLXIX. *Stat.* 17 & 18 *Geo.* 3. *cap.* 16. *ſect.* 1. Whereas by an act third George the ſecond ſeveral rates and duties were granted from 25th March 1730, for twenty one years, which by an act twenty third of his reign were continued twenty one years; which by eleventh and twelfth of George the third were continued from 25th March 1772, and during ſeven years from thence; and by act third George the ſecond, ſeveral commiſſioners were appointed; and the ſaid commiſſioners have been ſince incorporated by name of the corporation for promoting and carrying on an inland navigation, and ſaid corporation hath accordingly laid out conſiderable ſums ariſing from ſaid duties towards carrying on ſeveral uſeful and neceſſary works, ſome of which are now nearly finiſhed; and ſaid ſeven years, for which ſaid duties

Recital 3 G. 2. c. 3. duties 21 years from 25 Mar. 1730, continued 21 years 23 G. 2. c. 5. and 7 years by 11 & 12 G. 3. c. 4. commiſſioners appointed 3 G. 2. c. 3. ſince incorporated,

and money laid out in uſeful works,

granted, will expire on 25th March 1779; and in caſe not continued, the works now carrying on, and ſeveral other publick and uſeful works intended in divers parts, cannot be made, whereby the monies laid out may be entirely loſt; and by ſaid act eleventh and twelfth George the third, it is lawful for ſaid corporation to contract with private ſubſcribers to give an aid towards carrying on ſuch navigation, not exceeding in the whole one ſixth of the ſum neceſſary for ſuch navigation: and ſaid corporation have entered into contract with private ſubſcribers, who have undertaken to execute ſeveral works, to give ſuch ſubſcribers an aid of the one ſixth of the ſums by them from time to time expended in making and compleating the ſame, purſuant to ſaid act; and in caſe ſaid duties ſhould not be continued, the publick faith in theſe inſtances would be violated, and works ſo contracted for, probably be totally deſerted, to the injury of ſuch ſubſcribers, and great loſs and detriment of this kingdom: the ſeveral rates, impoſitions, and duties on coaches, berlins, chariots, calaſhes, chaiſes, and chairs, cards and dice, wrought and manufactured gold and ſilver plate, which by ſaid act third of his late Majeſty were granted, further granted, continued, raiſed, collected, levied, and paid for uſe of ſaid corporation, from 25th March 1779, during further ſeven years thence next enſuing.

contracts with private ſubſcribers to give 1-6th purſuant to 11 & 12 G. 3. c. 4.

duties by 3 G. 2. c. 3. continued for ſaid corporation 7 years from 25 Mar. 1779.

CLXX. *ſect.* 2. All rates, duties, and impoſitions hereby granted and continued, ſhall be raiſed, collected, levied, and paid, during ſaid further ſeven years, at ſuch times, manner, and by ſuch perſons, as appointed by ſaid act third, or act twenty fifth of his late Majeſty, or by any other law now in force, relating to ſaid duties, rates, and impoſitions, as fully and effectually as if ſaid acts repeated and re-enacted in this act; and all penalties and forfeitures by ſaid acts, or any of them, and which ſhall incur during ſaid further ſeven years, from 25th March 1779, ſhall be ſued for, recovered, and applied as by ſaid acts directed; and offenders ſubject to ſuch puniſhment in caſe of non-payment as appointed by ſaid acts.

Raiſed and paid as by 3 G. 2. c. 3. or 25 G. 2. c. 10. or any other law;

penalties and puniſhments as by ſaid acts.

CLXXI. *ſect.* 3. All powers veſted in ſaid corporation by any law now in force renewed and granted in as full and ample manner, as if the clauſes granting were repeated and re-enacted in this act.

All powers in ſaid corporation renewed.

CLXXII. *ſect.* 4. After this act it ſhall not be lawful for ſaid corporation to make, iſſue, or grant any new warrants or orders for raiſing or paying any money out of funds of ſaid corporation for any purpoſe (payment of officers and ſervants ſalaries, houſe rent, and ſuch ſums as neceſſary to repair any accidental breaches in any navigation now in uſe, and which the tolls of ſuch navigation not ſufficient to repair, excepted) until all outſtanding and unſatisfied warrants or orders of ſaid corporation for money already granted, and all debts already incurred by ſaid corporation fully diſcharged; any law, bye law, reſolution, or order of ſaid corporation to contrary in any wiſe notwithſtanding.

No new warrants by corporation for money till former diſcharged, ſave for ſalaries, rent, or accidental breaches, for which toll inſufficient.

CLXXIII. *ſect.* 5. When all ſuch warrants for payment of money already granted, or debts already incurred by the ſaid corporation, paid off and diſcharged, and ſaid corporation thereby entirely relieved from debt and arrear, it ſhall not be lawful for ſaid corporation to reſolve, order, or grant any money to be raiſed or paid out of the funds for any purpoſe whatſoever, (payment of officers and ſervants ſalaries, houſe rent, and ſuch ſums as neceſſary to repair any accidental breaches in any navigation now in uſe, and which toll of ſuch navigation not ſufficient to repair, excepted) unleſs there ſhall be in the funds of ſaid corporation at the reſpective times of making ſuch orders, reſolutions,

Arrears diſcharged, further grants by corporation if funds not ſufficient (ſave as aforeſaid) void.

lutions, or grants, ſo much as ſufficient to diſcharge the ſame; and if not as much money as will ſatisfy the ſame, ſaid orders, reſolutions, or grants of ſaid corporation, ſhall be null and void to all intents; any act of parliament, bye-law, reſolution, or order of ſaid corporation to contrary notwithſtanding.

CLXXIV. *Stat.* 21 & 22 *Geo.* 3. *cap.* 36. *ſect.* 15. The companies of ſubſcribers to ſuch canals are hereby impowered to borrow for carrying on ſuch canals for purpoſe aforeſaid, at common legal intereſt of this kingdom; any thing to contrary notwithſtanding. Canal company may borrow at legal intereſt.

Inrolments.

I. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 1. *ſect.* 18. No lands or other hereditaments ſhall paſs whereby any ſtate of inheritance of freehold ſhall be made, or any uſe thereof, by reaſon only of any bargain and ſale, except the bargain and ſale be made by writing indented, ſealed and inrolled in any of the King's courts of record in Dublin, or within the counties where the lands or tenements lie, before the *cuſtos rotulorum*, and two juſtices of the peace, and the clerk of the peace of the county, or two of them, whereof the clerk of the peace to be one, and the ſame inrolment to be made within ſix months after the date of the writings. Paſſing freehold.

(2) The *cuſtos rotulorum*, or juſtices of the peace, and clerk taking for the inrolment, where the lands exceed not the yearly value of forty ſhillings, two ſhillings, that is to ſay, twelve pence to the juſtices, and twelve pence to the clerk, and for the inrolment of every writing, wherein the lands exceed the ſum of forty ſhillings in yearly value, five ſhillings, that is to ſay, two ſhillings ſix pence to the juſtices, and two ſhillings ſix pence to the ſaid clerk for the inrolling of the ſame. Fees for inrolments.

(3) And the clerk of the peace ſhall inrol and ingroſs in parchment the writings and the rolls thereof at the end of every year ſhall deliver unto the ſaid *cuſtos rotulorum*, to remain in the cuſtody of the ſaid *cuſtos rotulorum*, amongſt other records of the ſame counties where ſuch inrolments ſhall be made, that every party may ſee the tenor of every ſuch writing ſo inrolled. Ingroſſed on parchment.

II. *ſect.* 19. Provided that this act, nor any thing therein contained, extend to any lands lying within any city, borough, or town corporate, wherein the mayors, recorders, or other officers, have authority to inrol deeds o other writings within their precincts. *Eng. Stat.* 27 *Hen.* 8. *cap.* 16. Towns corporate.

III. *Stat.* 17 & 18 *Car.* 2. *cap.* 2. *ſect.* 33. All letters patent to be granted of any titles of honour, offices, or lands, ſhall contain a clauſe requiring the patentees to cauſe the ſaid patents to be inrolled in the chancery within a time therein to be limited, and all letters patent wherein ſuch clauſe ſhall be omitted, are declared to be void. Clauſe in patents.

I. *Stat.*

Actual priſoners for debt 5 March 1782, without colluſion, may before end of Trinity 1786, petition the court whence proceſs, or into which removed,

account of real and perſonal, and incumbrances, or in truſt, to belief and knowledge, and of ſecurities, deeds, &c. in whoſe hands,

and witneſſes names and abode, before petition received, 14 days notice in writing, if creditors reſide above 10 miles from the gaol,

thrice in Gazette,

the laſt 20 days before preferred, affidavit of ſervice, and the Gazette read, petition thereupon received, and priſoners ordered up, creditors, &c. may appear, or by attorney, court ſhall examine ſummarily on oath,

oath or affirmation to priſoners.

1. *Stat.* 21 & 22 *Geo.* 3. *cap.* 59. *ſect.* 1. After firſt of May one thouſand ſeven hundred and eighty two, it ſhall be lawful for all who were on fifth of March one thouſand ſeven hundred and eighty two, actual priſoners in cuſtody of any gaoler or keeper of priſon, upon execution, writ, action, attachment, coſts, contempt, or any proceſs for or by reaſon of any debt or demand, without fraud or colluſion with creditors or others, and have ever ſince continued in priſon, to exhibit a petition before end of Trinity term one thouſand ſeven hundred and eighty ſix, to any court of law from whence the proceſs iſſued, upon which ſuch priſoners confined, or to the court into which removed by *Habeas Corpus*, ſetting forth a juſt and true account of all real and perſonal eſtate of which they, or any in truſt for them, intitled to at time of ſo petitioning, and of all incumbrances and charges, if any, affecting the ſame; and which they, or any in truſt for their uſe, intereſted in, or intitled unto, in poſſeſſion, reverſion, remainder, or expectancy, to beſt of belief of ſuch priſoners, and ſo far as their knowledge extends; and of all ſecurities wherein any part of eſtates of ſuch priſoners conſiſts, of all the deeds, evidences, writings, books, bonds, notes, and papers concerning the ſame, or relating thereto, and in whoſe hands the ſame are, and names and abode of witneſſes to ſuch ſecurities, bonds, and notes, and where to be met with, ſo far as their knowledge extend; and before any ſuch petition ſhall be received, ſuch priſoners ſhall cauſe to be given, or left unto or for all and every creditors, at whoſe ſuit charged, or executors or adminiſtrators, or uſual abode, or to or for their attorney or agent laſt employed in ſuch action, in caſe any ſuch creditors, or executors or adminiſtrators reſide upwards of ten miles from the gaol where confined, or cannot be then met with, fourteen days at leaſt before ſuch petition preſented and received, a notice in writing, ſigned with proper name or mark of every ſuch priſoner, importing that ſuch priſoner doth intend to petition the court from whence the proceſs or *Habeas Corpus* iſſued; and ſhall alſo cauſe ſame to be inſerted in three ſeveral Dublin Gazettes, containing the name, trade, or occupation, and laſt abode of ſuch priſoner, and the priſon wherein confined, and of intention to take benefit of this act, (for which there ſhall be paid ſix pence for each perſon above the duty, and no more,) the laſt of which ſhall be twenty days before preferring petitions, and an affidavit of due ſervice of every ſuch notice at time of preſenting, and the Gazettes in which inſerted ſhall be openly read in the court to which preferred; and if ſuch court ſhall be ſatisfied of the regularity of ſuch notices, ſuch petition ſhall be received, and ſuch court ſhall, by order or rule, cauſe the priſoners ſo petitioning, to be brought up on ſome certain day; and if any creditor of ſuch priſoner, at whoſe ſuit charged, or executors or adminiſtrators, ſhall appear, in perſon, or by attorney, or if any ſuch neglect to appear, ſuch court ſhall, in a ſummary way, examine upon oath, if ſaid court think proper, into the matter of ſuch petition, and hear what can or ſhall be alledged on either ſide, for or againſt diſcharge of priſoners who ſo petition; and upon ſuch examination, every ſuch court is required to adminiſter to priſoners who ſo petition, an oath, or if quakers, an affirmation to effect following:

I A. B. *do ſwear, in the preſence of almighty God* (if a quaker, *I do affirm*) *that the account by me ſet forth in my petition, preſented to this honourable court, doth contain a full and true account of all the real and perſonal eſtate, debts, credits, and effects whatſoever, which I, or any in truſt for me, am in any reſpect intitled*

titled unto, in poſſeſſion, reverſion, or remainder, except the wearing apparel and bedding of, or for me, and my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in value in the whole; and alſo a true account of all deeds, writings, books, papers, ſecurities, bonds, and notes relating thereto, and where the ſame reſpectively now are, and in whoſe hands to the beſt of my knowledge, remembrance, and belief, and what charges are now affecting the real eſtate I am now ſeized of, or intitled to, (if any ſuch priſoner ſhall be then ſeized of any real eſtate) *and that I have not at any time before or ſince my impriſonment, directly or indirectly ſold, leſſened, aſſigned, mortgaged, pawned, or otherwiſe diſpoſed of, or made over in truſt for myſelf, or otherwiſe, any part of my real and perſonal eſtate, whereby to have or accept any benefit, advantage, or profit to myſelf, or my family, or with any view, deſign, or intent to deceive, injure, or defraud any of my creditors.*

So help me God.

On taking oath, the eſtate in the account by indorſement, aſſigned to creditors, ſubject to prior incumbrances, veſted in aſſignees according to the eſtate, who may ſue and recover, no releaſe allowed in bar,

And in caſe ſuch priſoners in open court take ſaid oath, ſuch court may immediately order the real and perſonal eſtate in ſuch account, to be by a ſhort indorſement on ſuch petition, and ſigned by the priſoner, aſſigned and conveyed to ſuch creditor or creditors as ſuch court ſhall think proper, ſubject to all prior incumbrances affecting the ſame; and the eſtate, intereſt, and property of ſuch real and perſonal eſtate which ſhall belong to ſuch priſoner, ſhall, by ſuch aſſignment be veſted in the perſon or perſons to whom made, according to the eſtate and intereſt ſuch priſoners had reſpectively; and the creditors to whom aſſignment made ſhall and may take poſſeſſion of, and ſue in their names for the recovery, as ſuch priſoners might; and no releaſe of ſuch priſoners, or any truſtee for them, ſubject to ſuch aſſignment or conveyance, ſhall be pleadable or allowed in bar of any action or ſuit by ſuch aſſignees, for any part of real or perſonal eſtate of ſuch priſoners; and upon every ſuch aſſignment executed by ſuch priſoners, they ſhall be diſcharged out of cuſtody by rule or order of ſuch court; and ſuch rule or order being produced to, and a copy thereof left with any ſuch ſheriff, gaoler, or keeper, ſhall be a ſufficient warrant to diſcharge; and every ſuch ſheriff, gaoler, or keeper is required, on having ſuch order produced, and a copy left, to ſet at liberty forthwith every ſuch priſoner, without taking any fee, or detaining him or them in reſpect of any demand for, or in reſpect of, chamber rent, or lodgings, or otherwiſe, or for any fees; and no magiſtrate, ſheriff, gaoler, or keeper, ſhall afterwards be liable to any action of eſcape, or other ſuit or information on that account, or for what he ſhall do in purſuance, and may plead general iſſue, and give ſpecial matter in evidence; and the perſons to whom the eſtate and effects of aſſigned, ſhall, with all convenient ſpeed, ſell and diſpoſe of the ſame, and divide the net produce amongſt all creditors, (if more than one) to whom the priſoner fairly and juſtly indebted, in proportion to reſpective debts, the marſhal, gaoler, or keeper, to be conſidered as a creditor for his fees, rateably, and in proportion, and render the overplus (if any) to ſuch priſoner, his heirs and aſſigns; but in caſe perſons at whoſe ſuit priſoners charged, not ſatisfied with the truth of ſuch priſoner's oath, and either perſonally, or by attorney, deſire time to inform themſelves of the matters therein, ſuch court may, upon proper cauſe by affidavit, remand ſuch priſoners, and direct them, and ſuch creditors to appear in perſon, or by attorney, on ſome other day at fartheſt within the term next following ſuch examination, but ſooner if ſuch court think fit; and all objections as to inſufficiency

priſoners thereupon diſcharged, the rule and copy left, a warrant to diſcharge without fee or demand,

gaoler, &c. not liable to ſuit,

may plead general iſſue, &c.

eſtates ſold with ſpeed,

net produce divided rateably,

gaoler, &c. creditor for fees,

overplus to priſoner,

on affidavit, priſoner remanded,

the creditors to appear on day appointed next term, or ſooner,

objections for form made the firſt time, on default of creditors the ſecond, or no omiſſion in the account, diſcharged on aſſignment, refuſing oath, or if falſe, or refuſing aſſignment, remanded.

inſufficiency in point of form againſt any priſoner's ſchedule ſhall be only made the firſt time ſuch priſoner brought up; and if at ſuch ſecond day the creditors make default in appearing, or be unable to diſcover any eſtate or effects of the priſoner's omitted in the account ſet forth in petition, ſuch court ſhall immediately cauſe ſaid priſoners to be diſcharged upon executing ſuch aſſignment and conveyance; and if any who petition to be diſcharged, refuſe to take the oath or affirmation, or be detected before ſuch court of falſity, or refuſe to execute ſuch aſſignment and conveyance, they ſhall preſently be remanded and continue in gaol.

Priſoners above 20 miles from Dublin, may before 1ſt May 1784, petition the court whence proceſs, on like affidavit, or Gazette produced, ordered to be brought to next aſſizes, creditors ordered to appear, time appointed by the judge, examined ſummarily,

II. *ſect.* 2. Any priſoner confined in any county or other gaol above twenty miles from Dublin, may before firſt of May one thouſand ſeven hundred and eighty four, prefer a petition to the court from whence ſuch proceſs iſſued, in like manner as petitions before mentioned; and an affidavit as before directed being made, or ſuch Gazette produced and delivered with ſuch petition, ſuch court ſatisfied of the truth, or on producing ſuch Gazettes may and is required to make a rule or order to cauſe the priſoners ſo petitioning to be brought to next aſſizes for the county or place where impriſoned; and creditors, or executors, or adminiſtrators at whoſe ſuit charged, ſhall, by ſuch court, be ordered to appear at ſaid aſſizes; and ſuch judge or judges of aſſizes reſpectively ſhall appoint a time for hearing at ſuch aſſizes, upon every ſuch petition; and upon appearance of ſuch creditor or creditors, or in default in perſon, or by attorney, on producing copies of orders of ſaid courts, ſuch judges ſhall in a ſummary way examine ſuch petition, and hear what can or ſhall be alledged for or againſt the diſcharge; and upon every ſuch examination, ſuch judges are impowered and required to adminiſter or tender to every ſuch priſoner, the ſame oath as before directed, and to make ſuch order as to them ſeem meet, and to proceed in ſame manner concerning the diſcharge, and give ſame judgment, relief, and directions, as any court out of which proceſs iſſued is before directed to do; and every ſuch order ſhall be as effectual as if made in the court out of which proceſs iſſued, upon which ſuch priſoner charged, and ſhall be made a record of proceedings at ſuch aſſizes, and a copy tranſmitted to the court from whence proceſs againſt priſoners diſcharged iſſued, ſigned by the judge or judges of aſſize, to be a record of ſaid court, and kept amongſt other records.

the ſame oath, order, and judgment, as valid as if in the court whence proceſs, made a record, copy tranſmitted, kept among the records.

Priſoners in execution on decrees on civil bills, may before 1ſt Nov. 1782, petition judges of aſſize, written notice 20 days before aſſizes,

III. *ſect.* 3. Such of ſaid priſoners as are charged in execution upon decrees before judges of aſſize upon civil bills, may before firſt of November one thouſand ſeven hundred and eighty two, prefer a petition to the judge or judges of aſſize for the county or place where impriſoned, in like form and manner as before mentioned; provided ſuch priſoners cauſe to be given, or left to or for all and every creditors at whoſe ſuit charged in execution, or their executors or adminiſtrators, or in caſe any ſuch cannot be met with, or his or their attorney or law agent laſt employed, or at uſual place of abode, twenty days at leaſt before the aſſizes, a notice in writing, ſigned with the proper name or mark of every ſuch priſoner, importing that ſuch priſoners intend to petition the court next aſſizes to be diſcharged, and requiring them to appear next aſſizes, and alſo a true copy of the ſaid petition and account; and ſuch judges, upon appearance of ſuch creditors, in perſon or by attorney, or in default on proof of being duly ſerved with ſuch notice and copy ſhall, in a ſummary way examine upon oath, if ſuch judges think neceſſary, into ſuch petition, and hear what alledged for or againſt the diſcharge; and are impowered and required to adminiſter to every ſuch priſoner the ſame oath, and to make

and copy of petition and account, judges of aſſize to examine on oath, and proceed in like manner.

make order as to them ſhall ſeem meet, and proceed in the ſame manner concerning the diſcharge, and give ſame judgment, relief, and directions as any court out of which proceſs iſſued, is before impowered and directed.

IV. *ſect.* 4. It ſhall be lawful for the recorder of Dublin before firſt of November one thouſand ſeven hundred and eighty two, to receive petitions of ſaid priſoners confined in the marſhalſea, or four courts marſhalſea, upon decrees or otherwiſe, and to examine and adminiſter ſame oaths, and proceed in ſame manner concerning diſcharge of ſuch priſoners, and give ſame judgment, relief, and directions, as any court out of which any proceſs iſſued againſt any priſoner or priſoners is herein before impowered and directed to do.

Like proceedings by recorder of Dublin on petition of priſoners in marſhalſeas.

V. *ſect.* 5. Nothing herein ſhall hinder any mortgages upon the eſtate of ſuch priſoners to take place upon the lands, tenements or hereditaments, in ſuch mortgages, nor any ſtatutes ſtaple, ſtatute merchant, recognizance on judgment, *cuſtodium* or *elegit*, acknowledged by, or obtained againſt ſuch priſoners, to take place upon the lands, tenements, or real effects of ſuch priſoners, in like manner as ſuch mortgages and creditors would have been preferred to other creditors, of the real and perſonal eſtate of ſuch priſoners reſpectively, if this act not made; any thing herein before to contrary notwithſtanding.

Not to prevent mortgages, ſtatute recognizance, &c. taking place.

VI. *ſect.* 6. The diſcharge of any perſon by virtue hereof ſhall not acquit any other from ſuch debt or ſums, or any part, but all others ſhall be anſwerable as before the paſſing hereof.

Others anſwerable as before.

VII. *ſect.* 7. If any ſuch priſoner deliver in falſe or untrue account of eſtate or effects, or deſignedly conceal, and not inſert in the account he ſhall deliver in and ſubſcribe, any books, papers, ſecurities, or writings relating to his eſtate and effects, to defraud creditor or creditors, and be convicted on indictment, he ſhall be adjudged a felon, and ſuffer as ſuch without benefit of clergy.

Falſe account or concealing, felony death.

VIII. *ſect.* 8. If the eſtate and effects of priſoners ſo aſſigned and conveyed, ſhall not extend to ſatisfy the whole debt due to creditors as aforeſaid, if the priſoner who ſhall be ſo diſcharged, and the fees and chamber rent due, ſuch warden, marſhal, or gaoler ſhall only receive a proportionable dividend from ſuch priſoner's eſtates, in reſpect of ſuch fees and chamber rents, *pro rata*, with other creditors.

If not ſufficient, gaoler, &c. to receive for fees and rent only, a proportion.

IX. *ſect.* 9. No perſon diſcharged hereby ſhall hereafter be impriſoned by reaſon of any judgment or decree, or for any debt, damages, attachments, contempts, coſts, or ſums contracted, incurred, occaſioned, owing or growing due before the time of diſcharge; but upon every arreſt, ſuit, judgment, or decree, or for ſuch debts, damages, attachments, contempts, coſts, and ſums, it ſhall be lawful for any judge of the court where proceſs iſſued, upon ſhewing copy of the order of ſuch diſcharge, to releaſe out of cuſtody ſuch priſoner, and every ſuch judge is impowered and directed ſo to do.

After diſcharge not impriſoned for debt, &c. before,

releaſed on ſhewing the copy.

X. *ſect.* 10. Where mutual credit given between ſuch priſoners and other perſons, bodies politick or corporate, before delivery of any ſchedule or inventory of the eſtate and effects of ſuch priſoners, nothing more ſhall be deemed veſted by any aſſignment in purſuance, as the eſtate or effects of ſuch priſoners, than what ſhall appear to be due to them reſpectively upon balance of accounts truly ſtated.

Where mutual credit, the balance only veſted by aſſignment.

XI. *ſect.* 11. It ſhall be lawful for the courts who diſcharge ſuch priſoners, on petition of any creditor of ſuch priſoners, complaining of any inſufficiency, fraud, miſmanagement, or other miſbehaviour of any creditors of ſuch priſoners

On petition of creditor for miſbehaviour, &c. of aſſignees, parties to

attend on a certain day, and on hearing equitable order made.

ſoners to whom the eſtate and effects aſſigned, to order the parties concerned to attend on the matter of every ſuch petition at ſome certain time; and every ſuch court on hearing the parties, is authorized to make, order, and give ſuch directions for the prudent, juſt, and equitable management or diſtribution of ſaid eſtate and effects, for the benefit of the reſpective creditors as aforeſaid, of ſuch priſoners, as ſuch court think fit.

On *excom. cap.* petition, and affidavit, L. chancellor may diſcharge on terms.

XII. *ſect.* 12. Perſons confined upon writs of *excommunicato capiendo*, may, after firſt of May one thouſand ſeven hundred and eighty two, prefer a petition to lord chancellor, ſetting forth the circumſtances, with an affidavit, verifying the material facts; and it ſhall be lawful for the lord chancellor to diſcharge, if he judge it proper, upon ſuch terms as he ſhall think reaſonable.

Not extended to crown debt.

XIII. *ſect.* 13. Nothing herein ſhall extend to relief of any priſoner with reſpect to any debt at ſuit of the crown.

Tenants in tail deemed tenants in fee, and the eſtates delivered up to creditors as if fine or recovery.

XIV. *ſect.* 14. Whereas ſeveral may claim or be intitled to benefit of this act, ſeized of an eſtate tail, which with the remainders expectant they have by law power to defeat and bar, by fines or recoveries, and thereby ſaid lands, and hereditaments, ſhould be liable to their debts, and be delivered up according to terms of this act for the benefit of their creditors: in every ſuch caſe ſuch perſons ſo ſeized and who claim benefit of this act, ſhall to all intents be deemed ſeized in fee ſimple, and the ſame ſhall be delivered up to the creditors as if ſuch perſons had actually levied fines, or ſuffered recoveries, and thereby had become ſeized in fee ſimple; any law or conſtruction of law to contrary notwithſtanding.

Debt for rent not diſcharged, where in poſſeſſion of the land.

XV. *ſect.* 15. Nothing herein ſhall give benefit, eaſe, diſcharge, or relief from any debt for rent or arrears out of lands, tenements, or hereditaments, where they owing ſuch rent or arrears, or other perſon deriving by, from, or under them, are in poſſeſſion of all or any of ſuch lands, tenements, or hereditaments, out of which ſuch rent payable.

If not above 2 years, goods liable to diſtreſs not aſſigned, but transferred to landlord, unleſs creditor agrees to pay.

XVI. *ſect.* 16. When rent, not exceeding two years, ſhall be due from ſuch priſoners at time of diſcharges in reſpect to any meſſuages, lands, or tenements, no goods or chattles then upon the premiſſes liable to be diſtrained, ſhall be aſſigned in manner aforeſaid, but be transferred to ſuch landlords, or in truſt for them, towards ſatisfaction of the rent then due, not exceeding two years, unleſs the creditor or creditors, to whom ſuch aſſignment made, ſhall by writing under their hands reſpectively, before ſuch aſſignment made, agree to pay or ſatisfy ſuch landlords the rent due, not exceeding two years.

Guardian, truſtee, &c. not intitled.

XVII. *ſect.* 17. No perſon as guardian or truſtee, executor or adminiſtrator, indebted, ſhall be intitled to any benefit or relief from this act.

Nor embezzling employers property.

XVIII. *ſect.* 18. All who have conveyed, embezzled, or converted to their own uſe any monies, goods, wares, or merchandizes of perſons who employed or intruſted them, ſhall be excluded from any benefit or advantage by this act.

Property of any obtaining the benefit not protected.

XIX. *ſect.* 19. Nothing herein ſhall protect the real and perſonal property of any obtaining benefit under this act; but the ſame are declared liable to all demands of every creditor of ſuch perſon; any thing herein to contrary notwithſtanding.

No benefit, if a fraudulent conveyance.

XX. *ſect.* 20. No perſon ſhall take any benefit by this act who has made any fraudulent conveyance or aſſignment of his eſtate or goods, or any part, previous or ſubſequent to his impriſonment, to defraud his creditors, or any, or has done or ſuffered to be any fraudulent act for the purpoſe, and the ſame ſhall appear to the court, in which the petition of

ſuch

such debtor depending, upon examination *viva voce* or by affidavit, as such court direct.

XXI. *sect.* 21. Nothing herein shall extend to benefit of any who is a bankrupt, or within description or provisions of bankruptcy laws, except as herein: provided, if any who are objects of the bankruptcy laws, were on the first of March one thousand seven hundred and eighty two actual prisoners in custody of any gaoler or keeper of any prison upon execution, writ, action, attachment, costs, contempt, or any process, for or by reason of any debt or demand, and have ever since continued in prison without any commission of bankruptcy sued forth; such persons making the same appear to the court from whence the process, under which confined, has issued, and performing the requisites by this act, shall be discharged as other insolvents not objects of the bankruptcy laws; any thing herein to contrary notwithstanding.

Not to bankrupts, except as herein,

actual prisoners on 1st March 1782, and ever since, without commission sued, performing requisites discharged as other insolvents not objects of bankruptcy laws.

XXII. *sect.* 22. No person who has received and not accounted for and paid money received under or by order of any court of justice, or in consequence of any publick office, trust, or employment, or is committed by attachment or serjeant at arms for a contempt of any court, in not accounting for or paying money received under or by order of such court, shall be intitled to any benefit or relief from this act; any thing herein to contrary notwithstanding.

No benefit on not accounting for or paying money received by order or in publick office or trust, or committed for contempt.

XXIII. *sect.* 23. All who made use of any fraud, false token or pretence for obtaining money shall be excluded from any benefit or advantage from this act.

Or on fraud, false token, or pretence.

XXIV. *sect.* 24. This act shall not free real or personal estate of any obtaining benefit under this act, which such persons acquire or become intitled to after having taken the benefit; but the same shall be liable to the debts owing by them in as full and ample manner as if this act never made.

Estate after acquired liable to debts.

XXV. *sect.* 25. Nothing herein shall extend to benefit of any who has been relieved by and taken benefit of any former act of insolvency.

Former insolvents excluded.

XXVI. *sect.* 28. All real and personal estate of John Darley, on first of April one thousand seven hundred and seventy nine, (excepting sums really and *bona fide* applied to his debts, or in suits or business relative to said estate and effects, or in passing this clause, or necessary charges of cloathing and house keeping for himself and family, wearing apparel and bedding) vested in Theophilus Thompson, William Lyster and George Lyndon, and survivors, in trust for creditors of John Darley as herein after.

John Darley's estate vested in trustees for creditors.

XXVII. *sect.* 29. Said John Darley shall on or before first of August next deliver in to said trustees, or any two, or survivor, a schedule containing a full, just, and true account of all the real estate in possession, reversion, or remainder; and of all personal whatsoever (excepting as before) which he, or any in trust for him was on first of April one thousand seven hundred and seventy nine, or now is seized or possessed of and interested in and intitled unto, to the best of belief, and knowledge, and of all deeds, bonds, notes, evidences, writings, and books of account concerning said estates, and in whose hands and power now are and were on first of April one thousand seven hundred and seventy nine, and of the debts, and how secured, and sums justly due on said debts on first of April one thousand seven hundred and seventy nine; which schedule John Darley shall verify upon oath, administered by said trustees or any two, and subscribed at the foot of the schedule, and said trustees, or any two, shall attest at foot of said copy of said oath, with their names subscribed, that John Darley took said oath, and the time and place; and said schedule, with said oath annexed, and said writing attesting

Schedule delivered to trustees,

verified on oath,

atteſted by truſtees, delivered to town clerk.

ing the ſwearing, ſhall, by truſtees, be within ten days after receipt delivered to town clerk of Dublin, who ſhall keep the ſame amongſt the records for benefit of the creditors.

Certificate by truſtees.

XXVIII. *ſect.* 30. Said truſtees, or any two or ſurvivor, ſhall, by writing under hands and ſeals, certify, that John Darley hath performed all required by this act; and from obtaining ſuch certificate ſaid John Darley ſhall

not after impriſoned, or moleſted, nor after acquired eſtate affected for debt, &c. before,

not be impriſoned or moleſted, nor any real or perſonal eſtate by him, after acquired, be charged or affected by any judgment or decree, or for any debt, damages, contempts, coſts, or ſums contracted, incurred, occaſioned, or growing due before firſt of April one thouſand ſeven hundred and ſeventy nine; but on every ſuch arreſt, execution, or proceſs, the judge where iſſued, upon ſhewing ſuch certificate, ſhall diſcharge ſaid John Darley, and ſuperſede further proceedings; and ſaid truſtees ſhall with all convenient ſpeed ſue for, call in, and receive all debts due to ſaid John Darley, and ſell and convey all eſtates, moveables, goods and chattles (except as before) and in all reſpects manage and diſpoſe and compound debts for benefit of creditors, as if owners of ſaid eſtates, on firſt of April one thouſand ſeven hundred and ſeventy nine; and out of produce firſt pay coſts and charges, and divide reſidue among all creditors to whom juſtly indebted on firſt of April one thouſand ſeven hundred and ſeventy nine, rateably.

diſcharged, and proceedings ſtaid,

truſtees to call in debts,
ſell and convey,
diſpoſe and compound as owners,
firſt pay charges,
reſidue to creditors in proportion.

Mortgagees, &c. may ſue and recover, as if this act not made.

XXIX. *ſect.* 31. Every perſon, who on firſt of April one thouſand ſeven hundred and ſeventy nine was intitled to any mortgage, *cuſtodium*, judgment, recognizance, ſtatute ſtaple, or merchant, *elegit*, or arrears of rent, affecting, or which might affect lands, goods or chattles of John Darley, may ſue for and recover their demands in like manner, and with like difference, out of the eſtates of John Darley, that they might if this act not made.

On death or refuſal creditors on 10 days notice in Gazette to elect,
with like powers,
not anſwerable for each other or for loſs,
falſe account, or concealment, felony death.

XXX. *ſect.* 32. If truſtees, or any, die, or refuſe to act, it ſhall be lawful for majority of creditors in value, upon notice in Gazette ten days, by the other truſtees, to elect any other, and ſo from time to time, and ſuch perſons ſhall have all powers veſted in truſtees before named; and truſtees not anſwerable for receipts of each other, or any loſs not by their wilful defaults; and if ſaid John Darley ſhall knowingly deliver any falſe or untrue accounts of effects or eſtates, or deſignedly conceal any books, papers, or ſecurities, to defraud creditors, and be convicted upon indictment, he ſhall be judged a felon, and ſuffer as ſuch without benefit of clergy.

Mark and George Tew freed from arreſt.

XXXI. *ſect.* 33. The perſons of Mark Tew and George Tew ſhall be diſcharged from all arreſts at ſuit of creditors for ſums now due by them or either; and if arreſted for ſuch, ſhall be forthwith releaſed and diſcharged.

Their property liable.

XXXII. *ſect.* 34. Nothing in this act ſhall preclude any creditor from recovering their debts from the property of ſaid Mark and George Tew.

Petitioners not objected to diſcharged as to perſon only, as if in cuſtody 5 March 1782.

XXXIII. *ſect.* 35. Jeremy Ryan, Francis Ruddle, Owen Mooney, Philip Pendleton, John Bailie, and Charles Reilly, may have full benefit of this act, and be diſcharged from debts, ſo far as relates to freedom of their perſons only, upon the ſame terms, and ſubject to ſame rules, as if in actual cuſtody on fifth of March one thouſand ſeven hundred and eighty two.

Not extended to W. Bayly.

XXXIV. *ſect.* 36. Nothing herein ſhall extend the benefit of this act to William Bayly, an uncertified bankrupt now in confinement; any thing in this act to contrary notwithſtanding.

Perſons excluded.

XXXV. *ſect.* 37. Nothing herein ſhall extend the benefit of this act to Thomas John Medlicott eſquire, a priſoner in the gaol of Kilmainham; Edward

ward Cahill attorney, in four courts marſhallea; to Nicholas Power, in the gaol of Waterford; Richard Mara, of the city of Cork, gardener, a priſoner; Francis Bradly Brodie eſquire, barriſter at law, in four courts marſhalſea; Thomas Mara of Limerick, bankrupt; Benjamin Whitley, in four courts marſhalſea; Gervas Hall, a bankrupt, in four courts marſhallea; Robert Norman of Nottingham, in the county of Cork, hoſier; George Rullings of Cork; John Callaghan, farmer and dealer; Felix Pritchet; Patrick M'Dermott; or Michael Harris, late of Bandon, now in the county gaol of Cork; any thing herein to contrary notwithſtanding.

XXXVI. *ſect.* 38. Whenever any ſurety for debt of another ſhall be obliged to pay the ſaid debt, or any part, or anywiſe damnified by becoming ſurety, every real principal debtor ſhall be liable or anſwerable to ſuch ſurety at law and in equity, notwithſtanding ſuch principal ſhall be diſcharged under and obtain the benefit of this act; any thing herein to contrary notwithſtanding. Principal debtor notwithſtanding diſcharge anſwerable to ſurety damnified.

Inſurance.

I. *Brit. Stat.* 6 *Geo.* 1. *cap.* 18. *ſect.* 1. It ſhall be lawful for his Majeſty, by two charters, to grant that ſuch perſons who ſhall be named therein, and admitted as members into the ſaid corporations, ſhall be each a ſeparate body politic and corporate for the aſſurance of ſhips and merchandizes at ſea, or going to ſea, or for lending money upon bottomry. Body corporate.

(2) And the ſaid corporations ſhall have power to chooſe their governors, directors, and other officers; and the governors and directors ſhall continue in their offices for three years, and in caſe of death or removal, be ſupplied as ſhall be preſcribed in the charters; and each of the ſaid corporations ſhall be capable in law to purchaſe lands, not exceeding 1000*l. per annum.* Election of officers.

II. *ſect.* 11. His Majeſty by the ſaid charters may grant to each of the corporations power to make bye-laws, and ſuch further powers relating to the aſſurance of ſhips, &c. or lending money upon bottomry, as to him ſhall ſeem meet. Making bye-laws.

III. *ſect.* 12. All other corporations, and all partnerſhips for aſſuring ſhips or merchandizes at ſea, or for lending money upon bottomry, ſhall be reſtrained from under-writing any policies, or making any contracts for aſſurance of ſhips or merchandizes at ſea, or going to ſea, and from lending money by way of bottomry. Aſſuring ſhips.

(2) And if any corporation, or perſons acting in ſuch partnerſhip, other than one of the two corporations to be eſtabliſhed, ſhall under-write any ſuch policy or make ſuch contract for aſſurance of ſhips, &c. or agree to take any premium for ſuch policies, every ſuch policy ſhall be void, and every ſum ſo underwritten ſhall be forfeited, and may be recovered, one moiety to the uſe of the crown, the other to the perſon who ſhall ſue for the ſame in any court of record at Weſtminſter. Policies void.

(3) And if any corporation, or perſons acting in ſuch partnerſhip, agree to lend money by way of bottomry, contrary to this act, the ſecurity ſhall be void, and ſuch agreement ſhall be adjudged an uſurious contract; nevertheleſs, any particular perſon ſhall be at liberty to under-write policies, or may lend money by way of bottomry, ſo as the ſame be not on the account or riſk of a corporation, or of perſons acting in partnerſhip. Lending on bottomry.

This

This act extends to Ireland, as to the inſurance of ſhips and lending money on bottomry by companies, which is declared to be illegal, &c. See Tit. Partnerſhip.

Policies of aſſurance.

IV. *Brit. Stat.* 19 *Geo.* 2. *cap.* 37. *ſect.* 1. No aſſurance ſhall be made by any perſon or perſons, bodies politic or corporate, on veſſels belonging to his Majeſty, or his ſubjects, or on any goods or effects on board the ſame, intereſt or no intereſt, or without further proof of intereſt, than the policy, or by way of game, or wagering, or without benefit of ſalvage to the aſſurer, and every ſuch aſſurance ſhall be void.

Private ſhips of war.

V. *ſect.* 2. Aſſurance on private ſhips of war fitted out by his Majeſty's ſubjects, ſolely to cruize againſt his enemies, may be made by or for the owners, intereſt or no intereſt, free of average, and without benefit of ſalvage to the aſſurer.

Merchandizes.

VI. *ſect.* 3. Merchandizes from any parts in Europe to America, in the poſſeſſion of Spain or Portugal, may be aſſured in ſuch manner as if this act had not been made.

VII. *ſect.* 4. Re-aſſurance ſhall not be made unleſs the aſſurer ſhall be inſolvent, become a bankrupt, or die; in either of which caſes ſuch aſſurer, or his executors, &c. may re-aſſure to the ſum before aſſured, provided it ſhall be expreſſed in the policy to be re-aſſurance.

Money on bottomry.

VIII. *ſect.* 5. All money lent on bottomry, or at reſpondentia, upon ſhips belonging to his Majeſty's ſubjects bound to or from the Eaſt Indies, ſhall be lent only on the ſhip or on the effects, and ſhall be ſo expreſſed in the condition of the bond; and the benefit of ſalvage ſhall be allowed to the lender, his agents, &c. who alone ſhall have a right to make aſſurance on the money ſo lent; and no borrower on bottomry, or at reſpondentia, ſhall recover more on any aſſurance than the value of his intereſt on the ſhip or effects, excluſive of money borrowed.

Value to be anſwered.

(2) And if it ſhall appear that the value of his ſhare in the ſhip, &c. doth not amount to the full ſum he hath borrowed, he ſhall be reſponſible to the lender for ſo much thereof as he hath not laid out on the ſhip, &c. with lawful intereſt for the ſame, together with the aſſurance and all other charges, in the proportion the ſame ſhall bear to the money lent, notwithſtanding the ſhip and effects be totally loſt.

Actions on policies.

IX. *ſect.* 6. In all actions, &c. brought by the aſſured upon any policy of aſſurance, the plaintiff, or his attorney, &c. within fifteen days after he ſhall be required ſo to do in writing by the defendant, &c. ſhall declare in writing the ſum he hath aſſured, &c. in the whole, and what ſums he hath borrowed at reſpondentia or bottomry for the voyage, or any part of the voyage in queſtion.

Coſts to defendant.

X. *ſect.* 7. Any perſon ſued in an action of debt, or covenant, &c. on any policy of aſſurance, may bring the money into court, and if the plaintiff ſhall refuſe to receive the ſame, with coſts to be taxed, in full diſcharge of ſuch action, and ſhall afterwards proceed to trial, and the jury ſhall not aſſeſs him damages, exceeding the ſum ſo brought into court, the plaintiff, in every ſuch action, ſhall pay to the defendant coſts, to be taxed.

Inſurance.

XI. *Brit. Stat.* 5 *Geo.* 3. *cap.* 19. *ſect.* 15. Every perſon who ſhall by way of inſurance, or otherwiſe, undertake or agree that any goods ſhall be carried to, or landed in the Iſle of Man, or brought from thence, or landed in Great Britain or Ireland, contrary to the true intent of this, or any other act of parliament made in Great Britain or Ireland, or who ſhall pay, or agree to pay any money for the inſuring, conveying, or delivering of ſuch goods, ſhall, for every ſuch offence, forfeit five hundred pounds; one moiety of which forfeiture ſhall be to the uſe of his Majeſty, and the other moiety to ſuch officers of the cuſtoms or exciſe as ſhall proſecute for the ſame; to be ſued for and recovered in like manner as any other forfeitures and penalties are by this act recoverable. Inſurance to or from the Iſle of Man, forfeiture.

XII. *ſect.* 16. In caſe the inſurer, conveyer, or manager of, or in ſuch fraud, ſhall, within ſix months after ſuch tranſaction or agreement, firſt diſcover the ſame to the commiſſioners of the cuſtoms or exciſe in England or Scotland, or to the commiſſioners of the revenue in Ireland, he ſhall not only keep the inſurance money or premium given him, and be diſcharged of the penalties to which he is liable by reaſon of ſuch offence, but ſhall have to his own uſe, one moiety of the forfeiture which ſhall be recovered from the party making ſuch inſurance or agreement. Reward to the inſurer.

XIII. *ſect.* 17. And in caſe the party inſured ſhall, within the ſpace of ſix months firſt make diſcovery thereof in the manner before mentioned, or they ſo diſcovering ſhall recover back ſuch inſurance money or premium as they have paid upon ſuch inſurance or agreement, and ſhall have, to their own uſe, one moiety of the forfeiture which ſhall be recovered from ſuch inſurer, conveyer, or manager, and ſhall be clearly acquitted and diſcharged of the penalty hereby impoſed upon them. Reward to the inſured.

Jointure.

I. *Eng. Stat.* 11 *Hen.* 7. *cap.* 20. *ſect.* 1. If any woman which ſhall have any eſtate in dower, or for term of life, or in tail, jointly with her huſband, or to herſelf, in any lands or hereditaments of the inheritance or purchaſe of her huſband, or given to the huſband and wife in tail, or for life, by any of the anceſtors of the huſband, ſhall, being ſole, or with any after taken huſband, diſcontinue, alien, releaſe, or confirm with warranty, or by covin ſuffer any recovery of the ſame, all ſuch recoveries, diſcontinuances, alienations and warranties ſhall be void, and it ſhall be lawful to every perſon to whom the inheritance after the deceaſe of the ſaid woman ſhould appertain, to enter as they ſhould have done, if no ſuch diſcontinuance, warranty nor recovery had been had. Recovery by covin.

(2) And if any of the ſaid huſbands and women, do make or ſuffer any ſuch diſcontinuance, alienations, warranties or recoveries, it ſhall be lawful to the perſons to whom the lands ſhould belong after the deceaſe of the ſaid woman, to enter according to ſuch title as they ſhould have had, if the ſame woman had been dead, provided that the ſaid woman after the deceaſe of the huſbands, may re-enter into the lands according to their firſt eſtate. Entry of perſons intitled.

(3) And if the ſaid woman at the time of ſuch diſcontinuance, alienations, recoveries, warranties, be ſole, ſhe ſhall be barred of her title from thenceforth, and the perſons to whom the title and poſſeſſion of the ſame ſhould belong after the deceaſe of the ſaid woman, ſhall immediately after the Title barred.

the ſaid diſcontinuances, alienations, warranties and recoveries, enter according to their title in the ſame.

Conſent of next heir.

(4) Provided this act extend not to any ſuch recovery or diſcontinuance to be had with the heirs next inheritable to the ſaid woman, or where they that next after the death of the ſame woman ſhould have eſtate of inheritance in the lands, be aſſenting to the ſaid recoveries, where the ſame aſſent is of record or inrolled.

Lands for term of life.

(5) Provided alſo, that it ſhall be lawful to every ſuch woman to give, ſell, or make diſcontinuance of any ſuch lands for term of her life only, after the courſe of the common law, before the making of the preſent act.

This act is made a law of Ireland, and enacted to be in force here by Stat. 10 *Car.* 1. *ſeſſ.* 2. *cap.* 8. *ſect.* 2. *See Tit.* **Fines.**

Dower barred.

II. *Stat.* 10 *Car.* 1. *ſeſſ.* 2. *cap.* 1. *ſect.* 6. Where divers perſons have purchaſed or have eſtate made of lands or hereditaments unto them and to their wives, and to the heir of the huſband, or to the huſbands and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies begotten, or to the huſband and to the wife, for term of their lives, or for term of life of the wife for the jointure of the wife, every woman having ſuch jointure made, ſhall not claim any dower of the reſidue of the lands that were her huſband's.

Eviction of jointure.

III. *ſect.* 7. Provided that if any ſuch woman be lawfully evicted from her jointure, or from any part thereof, without any fraud or covin, by lawful entry or action, or by diſcontinuance of her huſband, ſuch woman ſhall be endowed of as much of the reſidue of her huſband's tenements, as the lands evicted ſhall amount unto.

Election of the wife.

IV. *ſect.* 9. Provided alſo, that if any wife have lands aſſigned after the marriage in jointure, except the aſſurance be made by act of parliament, the wife may at her liberty after the death of her huſband, refuſe the lands to her aſſured during the coverture in jointure, and demand her dower according to the common law. *Eng. Stat.* 27 *Hen.* 8.

Ireland.

The King's officers not to purchaſe land.

I. Ordin. pro ſtat. Hibern. 17 *Edw.* 1. *cap.* 1. The juſtice of Ireland, nor any other officer there, ſhall purchaſe lands within their bailiwicks; and if any do the contrary the purchaſe ſhall accrue to the King.

Merchants may carry their goods freely.

II. Ordin. pro ſtat. Hibern. 17 *Edw.* 1. *cap.* 3. The juſtices ſhall not arreſt ſhips or goods, but merchants may carry their merchandizes forth of Ireland to England or Wales; and if any juſtice do the contrary, he ſhall ſatisfy double damages, and be grievouſly puniſhed by the King.

Marſhal's fee for a priſoner.

III. Ordin. pro ſtat. Hibern. 17 *Edw.* 1. *cap.* 5. There ſhall be taken of him which is committed by the King's court, when delivered, 4d. for the marſhal's fee.

Pardon for death of a man.

IV. Ordin. pro ſtat. Hibern. 17 *Edw.* 1. *cap.* 6. No pardon of the ſuit of the King's peace for death of a man or other felony ſhall be granted by

by the juſtice of Ireland without ſpecial command of the King under his ſeals of England.

V. Ordin. pro ſtat. Hibern. 17 *Edw.* 1. *cap.* 7. No writ original, pleadable at common law, ſhall be received but under the great ſeal of Ireland; nor any proceſs made by other writ, ſave by the ſeal of the exchequer of Ireland of things touching that court. Writs original.

VI. Ordin. pro ſtat. Hibern. 17 *Edw.* 1. *cap.* 8. The juſtice of that land ſhall not by his writs delay or adjourn before him an aſſize of *novel diſſeiſin*, but in the county where he ſhall be preſent. *Novel diſſeiſin.*

VII. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 1. The holy church of Ireland ſhall freely have and enjoy her liberties and free cuſtoms unhurt. Liberties of the church.

VIII. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 2. The buſineſs of the King and of the land, eſpecially the more arduous, ſhall be diſcuſſed in councils by the King's learned counſellors, and the prelates and great men, and others of the more diſcreet of the neighbourhood where the councils ſhall be held; and in the parliaments by the counſels, prelates, and nobles, and others of the ſaid land, as the manner requires according to juſtice, law, cuſtom, and reaſon. Buſineſs in council.

IX. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 3. The King's miniſters ſhall put away all private counſellors of their own. And if any private counſellors retained in company of the miniſters contrary to this ordinance, take any thing of the people, or any of them, to their own, or their lord's uſe, they ſhall reſtore it fully, and ſhall be duly puniſhed by the juſtices and council of Ireland, and pay a reaſonable fine, and be forthwith removed from their companies. King's miniſters.

X. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 5. The juſtice of Ireland in every county where he ſhall make his ſeſſions, ſhall often in the year make diligent inquiſition of manſlayers, thieves and treſpaſſers, and thoſe who extort fines and ranſoms, and of idle men and malefactors who are called *kernys*, by whom the people is oppreſſed. Inquiſitions of felonies, &c.

(2) And the inhabitants of the county where ſuch thieves and malefactors commit their thefts, ſhall make ſatisfaction to thoſe of the ſame county that are robbed by them, if they do not follow ſuch thieves with hue and cry, according to the ſtatute of Wynton. Perſons robbed.

(3) And if the keepers of the peace in the counties of Ireland be negligent in their office, there ſhall be frequent inquiry made of ſuch negligence by the juſtice of Ireland, and he ſhall puniſh them by impriſonment and fines. Keepers of the peace.

XI. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 6. Charters of pardon ſhall not be granted by the juſtice, but in parliament or in council by their aſſent; and there ſhall be no general pardon, but the felonies or treſpaſſes ſhall be ſpecified. No general pardons.

State of Ireland to be certified truly.

XII. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 7. No prelates, great men, or others, ſhall preſume to certify the King and council in England untruly, that good peace is kept in Ireland, at the procurement of any of the King's miniſters, but according to the truth of the fact.

Againſt maintenance.

XIII. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 10. No miniſters, ſerjeants, or clerks of courts, ſhall give maintenance, defence, or aid to the parties, or purchaſe any land in plea, or attempt any thing againſt the ſtatutes of champerty.

Exchequer not to hear common pleas.

XIV. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 11. Common pleas of debts, treſpaſſes, and other things which ought to be pleaded at the common law, ſhall not be pleaded in the exchequer at Dublin; and if the chancellor of the exchequer ſeal ſuch writs at the common law, he ſhall anſwer to the King for the contempt, and to the party for the grievance.

Suggeſtions againſt officers.

XV. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 12. Suggeſtions againſt the officers in Ireland ſhall be reduced to writing under the ſeal of the chancellor of England, and tranſmitted to the juſtices, chancellor, and treaſurer of Ireland, that they in the preſence of the accuſers, who ſhall be ſent back to Ireland, may enquire of the contents of ſuch ſuggeſtions, that the faults may be puniſhed.

Inquiry of debts paid to ſheriffs.

XVI. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 14. The juſtice of Ireland, in every county in which he ſhall make his ſeſſions, ſhall inquire, at leaſt once a year, of debts paid to the ſheriffs; and all ſuch debts as by tallies or acquittances of the ſheriffs or their ſervants, or by other means ſhall appear to have been paid to them by the people, together with the names of the receivers and payers, he ſhall cauſe to be inrolled and ſent under his ſeal to the exchequer, that the treaſurer and barons may charge the ſheriffs, and puniſh them for the concealments. And if the debtors have paid the ſame debt twice, they ſhall compel the ſheriffs to make reſtitution: and if the juſtice cannot attend to this, two or three faithful men of the counties ſhall be aſſigned by commiſſion under the great ſeal of Ireland, to inquire in form aforeſaid.

Diſcharge in the exchequer.

XVII. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 15. The engroſſers of the exchequer, when any debtor is acquitted, ſhall forthwith ſhew the acquittance to the remembrancers, who ſhall cauſe them to be diſcharged upon the roll, under a grievous pecuniary or other due puniſhment to be inflicted by the juſtice and council.

Undue impriſonment.

XVIII. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 16. The ſubjects ſhall not be taken or impriſoned by the juſtices of Ireland, or their lieutenants, without indictment, preſentment, or other due proceſs, againſt the great charter, and the law and cuſtom of the land: and if the contrary be done, a proper remedy ſhall be had by advice of the council at the complaint of the party grieved.

Behaviour of officers.

XIX. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 17. The juſtice of Ireland taking to him one prelate and one earl of the neighbouring parts, and

and the chancellor and treaſurer and others of the more ſkilful juſtices of the benches, and barons of the exchequer there, every year about the middle of the year, by the oath of lawful men, as well clerks as knights and others of the county of Dublin, and of other counties alſo if need be, ſhall diligently inquire of the behaviour of officers, the chancellor, treaſurer, and juſtices of each bench, and the barons of the exchequer only excepted; and of all things prejudicial to the King or injurious to the people found by the ſaid inquiſitions, he ſhall certifie the King and council in England under his ſeal, and the ſeals of thoſe that he ſhall take to him, and of thoſe by whom the inquiſitions are made. And the ſaid inferior officer ſhall anſwer for their faults before the ſaid juſtice, &c. as well at the ſuit of the King as of the party.

Diſſenſions between Engliſh and Iriſh.

XX. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 18. The ſaid juſtice calling to him the chancellor and treaſurer of Ireland, and certain prelates and earls, ſhall frequently inquire of diſſenſions ariſing between the Engliſh born in England and thoſe born in Ireland, and of national maintenances between them, and of the names of thoſe that make ſuch diſſenſions and maintenances, and ſhall puniſh the offenders, being duly convicted, by impriſonment and grievous ranſoms and other puniſhments.

Clerks of the market.

XXI. Ordin. pro ſtat. terr. Hibern. *incert. temp. cap.* 19. The juſtice of Ireland, in the parts through which he ſhall paſs, aſſociating to him the prelate of the place and ſome earl or other nobleman, or knight of the ſame parts, ſhall inquire of the midemeanors of the farmers of the office of clerk of the market, as well at the ſuit of the King, as of any others, and ſhall proceed againſt them, and hear and determine their offences, and puniſh them according to the law and cuſtom of Ireland, and ſhall certifie the King and council of England of the names of the offenders.

It is ſaid in the Old Abridgment, *that theſe ordinances are not ſtatutes, but only orders of council.*

Merchants may go freely.

XXII. *Eng. Stat.* 34 *Edw.* 3. *cap.* 17. Merchants may come into Ireland with their merchandizes, and from thence freely return with their merchandizes and victuals, ſaving to the King his ancient cuſtoms and other duties.

Engliſh may carry their goods.

XXIII. *Eng. Stat.* 34 *Edw.* 3. *cap.* 18. The people of England which have poſſeſſions in Ireland, may bring their corn, beaſts and victuals to Ireland, and from thence recarry their goods into England freely, paying their cuſtoms.

Reſidence on benefices.

XXIV. *Eng. Stat.* 1 Hen. 5. *cap.* 8. All Iriſh who have benefices or offices in Ireland, ſhall abide upon them, on pain of loſing the profits.

Graduates and beneficed men.

XXV. *Eng. Stat.* 1 *Hen.* 6. *cap.* 3. Iriſh graduates in the univerſity, and beneficed men, ſhall find ſurety of their good behaviour, and ſhall not take upon them the principality of any hall or houſe; and thoſe ſcholars of Ireland who are not graduates, and are of the obedience of the King, ſhall find ſurety in manner as the graduates.

Ireland.

Iriſh ſcholars.

XXVI. *Eng. Stat.* 2. *Hen.* 6. *cap.* 8. *ſect.* 2. The chancellors of the two univerſities ſhall take the ſureties of the Iriſh ſcholars, and the juſtices of the peace in the counties, and mayors and bailiffs of cities and boroughs enfranchiſed, ſhall take ſuch ſecurity, and do execution of the above ſtatute 1 *Hen.* 6. *cap.* 3.

Query, *Whether the three foregoing ſtatutes are not become obſolete by the reducing all* Ireland *to the obedience of the crown.*

Repealed.

XXVII. *Brit. Stat.* 6 *Geo.* 1. *cap.* 5. *ſect.* 1. The Kingdom of Ireland hath been, is, and of right ought to be, ſubordinate unto and dependant upon the imperial crown of Great Britain, as being inſeparably united and annexed thereunto; and the King with the conſent of the lords and commons of Great Britain in parliament, hath power to make laws of ſufficient force, to bind the kingdom and people of Ireland.

Repealed.

XXVIII. *ſect.* 2. The houſe of lords of Ireland have not, nor of right ought to have, any juriſdiction to judge of, affirm, or reverſe any judgment or decree made in any court within the ſaid kingdom; and all proceedings before the ſaid houſe of lords upon any ſuch judgment or decree are void. See **Parliament.**

Iron.

Importing iron.

I. *Eng. Stat.* 7 *Will.* 3. *cap.* 10. *ſect.* 17. It ſhall be lawful to import from Ireland bar iron unwrought, and iron ſlit or hammered into rods, other than Swediſh or other foreign iron, diſcharged of the duties laid by an act 4 *Will. & Mar. cap.* 5. called *the additional impoſt. Continued by Eng. Stat.* 8 Will 3. cap. 20. ſect. 10.

Duties on iron.

II. *Stat.* 2. *Ann. cap.* 2. *ſect.* 1. All duties payable for unwrought iron ſhall wholly ceaſe; and there ſhall be paid the duties following and no other, that is to ſay, for every tun of iron to be imported, five ſhillings for cuſtom, and five ſhillings for exciſe.

Iſle of Faro.

No drawback to be allowed,

I. *Brit. Stat.* 5 *Geo.* 3. *cap.* 43. *ſect.* 1. No drawback or bounty ſhall be allowed for any goods whatſoever, which ſhall be exported from Great Britain or Ireland, to the ſaid Iſlands of Faro or Ferro;

nor cocket or clearance.

nor ſhall any cocket or clearance be granted for the exporting to the ſaid iſlands any goods which are prohibited to be worn or uſed either in Great Britain or Ireland.

Entry of goods, &c.

II. *ſect.* 2. If any merchant or other perſon ſhall enter any goods for exportation to foreign parts, other than to the ſaid iſlands of Faro or Ferro, in order to obtain the drawback or bounty for the ſame; or if any goods which are prohibited to be worn or uſed in Great Britain or Ireland, ſhall be entered for exportation to foreign parts, other than to the ſaid iſlands of Faro or Ferro; and ſuch goods ſhall nevertheleſs be carried to the ſaid iſlands, and landed there

there contrary to the true intent of this act, in every ſuch caſe, the drawback or bounty paid, or to be paid for the ſame, ſhall be forfeited. Forfeiture of drawback.

III *ſect.* 3. And the exporter of ſuch goods, and the maſter of the ſhip or veſſel, on board which the ſame were loaden and exported, and every perſon concerned or aſſiſting in the exportation or landing of the ſaid goods, whether any drawback or bounty has been or is to be paid for the ſame or not, ſhall forfeit treble the value of the goods. Treble value.

IV. *ſect.* 4. And the ſhip or veſſel on board which ſuch goods were loaden and exported, with all her tackle, furniture and apparel, ſhall alſo be forfeited, and may be ſeized and proſecuted by any officer of the cuſtoms or exciſe in Great Britain or Ireland. Seizure of ſhips, &c.

V. *ſect.* 5. And the ſeveral penalties and forfeitures herein before mentioned, may be ſued for and recovered in ſuch manner as any forfeiture incurred by any law of the revenue may be ſued for and recovered in Great Britain or Ireland reſpectively; one moiety of which penalties and forfeitures (after deducting the charges of proſecution) ſhall be to the uſe of his Majeſty, and the other moiety to ſuch officer of the cuſtoms or exciſe as ſhall ſue or proſecute for the ſame. Suits for penalties.

VI. *ſect.* 6. And the ſaid iſlands of Faro or Ferro, ſhall be added to, and included in the oath upon all debentures for goods exported, whereon the exporter is to ſwear that ſuch goods are not landed or intended to be landed in Great Britain or Ireland. Iſlands of Faro.

VII. *ſect.* 7. If any action or ſuit ſhall be commenced againſt any perſons for any thing by them done or executed in purſuance of this act, or of any other act of parliament relating to his Majeſty's revenues of cuſtoms, exciſe, or ſalt duties, the defendants in ſuch action or ſuit may plead the general iſſue, and give the ſaid act and ſpecial matter in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of ſuch act. General iſſue.

VIII. *ſect.* 8. And if afterwards a verdict ſhall paſs for the defendants, or the plaintiffs ſhall become nonſuited, or diſcontinue their action or proſecution, or judgment ſhall be given againſt them upon demurrer or otherwiſe, then ſuch defendants ſhall have treble coſts awarded to them againſt ſuch plaintiffs. Treble coſts.

Iſle of Man.

I. *Brit. Stat.* 5 *Geo.* 3. *cap.* 39. *ſect.* 1. All officers of his Majeſty's cuſtoms and exciſe, ſhall have the ſame powers and authorities for viſiting and ſearching of ſhips and veſſels in any bay, harbour, river, creek or other place, in or belonging to the Iſle of Man, as are by any act of parliament provided for ſuch officers, viſiting and ſearching ſhips or veſſels within the ports, or on the coaſts of Great Britain; and to ſeize and ſecure either on the land or water, in the manner directed or allowed by the ſeveral acts of parliament in force in Great Britain, any goods which have been brought or imported into the ſaid Iſle of Man, contrary to this or to any other act of parliament, or which ſhall be landed there without payment of any duties which may be due and payable to his Majeſty. Search of ſhips in the Iſle of Man.

II. *ſect.* 2. No wrought ſilks, bengalls and ſtuffs mixt with ſilks, or herba, of the manufacture of Perſia, China, or Eaſt-India, nor callicoes painted, dyed, Exportation prohibited.

dyed, printed, or ſtained there, nor any cambricks, or French lawns, ſhall be exported from Great-Britain to the Iſle of Man.

Forfeiture of goods.

(2) And if any goods ſhall be ſhipt or laden, or ſhall be concealed in the ſame package with any other goods which are entered for, or are intended to be laden on board any ſhip or veſſel bound from Great Britain to the ſaid Iſle of Man, ſuch goods ſhall be forfeited, as well as the goods contained in the ſame package therewith, whether the ſame ſhall be ſhipt or laden, or not; and may be ſeized and proſecuted by any officer of his Majeſty's cuſtoms.

Bond on exportation.

III. *ſect.* 3. And the Iſle of Man ſhall be added to, and included in, the bond which is now by law required to be given, that ſuch goods ſhall be duly exported, and not relanded again in any part of Great Britain.

Brandy and ſpirits.

IV. *ſect.* 4. No foreign brandy, arrack, rum, ſtrong waters, or ſpirits whatſoever, ſhall be imported or carried into the Iſle of Man, but ſuch only as ſhall be *bona fide*, and without fraud, laden and ſhipt in Great Britain, and carried thither directly from thence, upon the forfeiture of ſuch goods, or the value thereof, together with the ſhip or veſſel in which they ſhall be imported or carried, with all her guns, furniture, ammunition, tackle and apparel, to be ſeized and proſecuted as is hereafter directed.

Britiſh plantations.

V. *ſect.* 5. No rum, or other ſpirits ſhall be ſhipped or laden on board any ſhip or veſſel in any Britiſh colony, or plantation in America, but on condition that the ſame ſhall not be carried to, or landed in the Iſle of Man, under the like ſecurities, penalties, and forfeitures as are preſcribed and mentioned in two acts of parliament, made in the twelfth and twenty fifth years of the reign of King Charles the ſecond, the former entitled, *an act for the encouraging and increaſing of ſhipping and navigation*, and the latter entitled, *an act for the encouragement of the Greenland and Eaſtland trades, and for the better ſecuring the plantation trade*, or either of them, with reſpect to the goods in thoſe acts particularly enumerated.

Spirits from the Iſle of Man.

VI. *ſect.* 6. No foreign brandy, arrack, rum, ſtrong waters, or ſpirits whatſoever, ſhall be exported from the Iſle of Man, or carried coaſtwiſe from one part of the ſaid iſle to another, in any ſhip or veſſel of leſs burthen than one hundred tons, nor in any veſſel or caſks under ſixty gallons (except only for the uſe of the ſeamen then belonging to, and on board, ſuch ſhip or veſſel, not exceeding two gallons for each ſeaman.)

Wine in ſmall caſks.

(2) Nor ſhall any wine be imported into, or exported from, the ſaid iſland, or carried coaſtwiſe from one part of the ſaid iſland to another, in any veſſel or caſk that ſhall contain leſs than twenty five gallons, nor in any ſhip or veſſel of leſs burthen than one hundred tons, upon forfeiture of all ſuch goods, together with the ſhip or veſſel, and all her tackle, furniture and apparel, to be ſeized and proſecuted as herein after is directed.

Ships carrying prohibited goods.

VII. *ſect.* 7. Where any ſhip or veſſel whatſoever, having on board any goods, which by this or any other act of parliament paſſed in Great Britain, are made liable to forfeiture for being brought or imported into, or exported from, or carried coaſtwiſe in the Iſle of Man; or where any ſhip or veſſel arriving from Great Britain, having on board any goods prohibited to be exported from thence into the Iſle of Man, ſhall be found in any bay, harbour, river, or creek, of or belonging to the ſaid Iſle of Man, or at anchor; or

Hovering within three leagues.

hovering within three leagues of the ſhores thereof; or ſhall be diſcovered ſo to have been (unleſs in caſe of unavoidable neceſſity and diſtreſs of weather, of which neceſſity and diſtreſs the maſter, purſer, or perſon having or taking

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the charge or command of ſuch ſhip or veſſel, ſhall immediately after the arrival of ſuch ſhip or veſſel into any bay, harbour, river or creek of or belonging to the ſaid Iſle of Man, give notice and make proof of before the collector or other chief officer of the cuſtoms reſident at the neareſt port in the ſaid iſland) all ſuch goods, together with the ſhip or veſſel in which the ſame ſhall be found, with all her guns, tackle, furniture, ammunition, and apparel, ſhall be deemed and taken to be forfeited within the intent and meaning of this and ſuch other acts, whether bulk ſhall then have been broken or not, and may be ſeized by any officer of the cuſtoms or exciſe. Forfeiture of goods and ſhip.

VIII. *ſect.* 8. No brandy, rum, ſtrong waters or ſpirits of any kind whatſoever, ſhall be brought or imported from the Iſle of Man into Great Britain or Ireland, upon any pretence whatſoever. Brandy, &c. from the Iſle of Man.

(2) And where any ſhip or veſſel coming or arriving from the ſaid Iſle of Man, and having on board any ſuch brandy, rum, ſtrong waters, or ſpirits (except only for the uſe of the ſeamen then belonging to and on board ſuch veſſel, not exceeding two gallons for each ſeaman) or any other goods or commodities which are prohibited to be imported from thence into Great Britain or Ireland, ſhall be found at anchor, or hovering within the limits of any of the ports of Great Britain or Ireland, or within three leagues of the ſhores thereof, or ſhall be diſcovered ſo to have been, and not proceeding on her voyage, wind and weather permitting, unleſs in caſe of unavoidable neceſſity and diſtreſs of weather; of which neceſſity and diſtreſs the maſter, purſer, or other perſon, having or taking the charge or command of ſuch veſſel, ſhall give notice to, and make proof of, before the collector or other chief officer of the cuſtoms of ſuch port as aforeſaid, immediately after the arrival of ſuch veſſel into the ſaid port, all ſuch goods, together with the veſſel in which the ſame ſhall be ſo brought or imported, or on board which ſuch goods ſhall be found as aforeſaid, with all her guns, tackle, furniture, ammunition, and apparel, ſhall be forfeited (whether bulk ſhall then have been broken or not) and the ſame ſhall and may be ſeized and ſued for by any officer of the cuſtoms or exciſe. Prohibited goods. Forfeiture of goods and ſhip.

IX. *ſect.* 9. All ſeizures made in purſuance of the powers given by this act, may be brought to any port in Great Britain or Ireland, or into any port in the Iſle of Man, and may be proſecuted in any of his Majeſty's courts of record at Weſtminſter or Dublin, or in the court of Exchequer in Scotland, or in any courts to be holden in his Majeſty's name, or by virtue of his authority in the ſaid Iſle of Man, at the election of the informer or proſecutor, and after condemnation, diſpoſed of and divided in the ſame manner, and by the ſame rules, regulations, and reſtrictions, as are preſcribed and practiſed in reſpect to ſeizures made in Great Britain. Proſecution of ſeizures.

(2) And all the powers, proviſions, articles, and clauſes in any act of parliament contained for the indemnity, eaſe, benefit, or relief of officers of the cuſtoms or exciſe, making ſeizures in Great Britain or Ireland reſpectively, ſhall be obſerved, and put in execution as well with reſpect to any ſeizure or proſecution made or carried on in purſuance of this act, as with reſpect to any action, ſuit, or proſecution that may be brought or commenced againſt any officers of the cuſtoms or exciſe, for any thing done in purſuance thereof, as fully as if the ſame were particularly and at large re-enacted in the body of this preſent act. Officers of cuſtoms or exciſe.

X. *ſect.* 10. If any ſhip or veſſel liable to ſeizure, either for importing any goods into, or exporting any goods for the ſaid Iſle of Man, or for having Goods not liable to ſeizure.

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any goods on board contrary to this act, ſhall, at the time of ſeizure, be laden with any goods which are not liable to forfeiture, it ſhall be lawful for the officer ſeizing ſuch ſhip or veſſel, to bring ſuch laſt mentioned goods, with the veſſel in which the ſame ſhall be laden as aforeſaid, to Great Britain or Ireland, or into any of the ports of the ſaid Iſle of Man, and to ſecure ſuch goods in his Majeſty's warehouſes until ſuch time as the owner or proprietor of ſuch goods, or the maſter of the veſſel, or ſome other perſon duly authorized by letter of attorney from ſuch owner or proprietor, atteſted by a notary public in the uſual form, ſhall apply for the ſame to the reſpective commiſſioners of the cuſtoms or exciſe at London or Edinburgh, or to the commiſſioners of the revenue at Dublin, or to the collector or other principal officer of the cuſtoms or exciſe by whom the goods ſhall be ſecured; and ſuch goods ſhall be thereupon delivered to the perſon ſo applying; to be diſpoſed of as by law he may, upon giving a receipt for the ſame; and the officer ſeizing ſuch veſſel, or any perſon acting in his aid or aſſiſtance, or in ſecuring ſuch goods, ſhall not be liable to any action, ſuit, or proſecution, on account of the ſtoppage or detention of ſuch goods.

Delivery of goods.

Application in twenty days.

XI. *ſect.* 11. In caſe no application ſhall be made for ſuch goods as aforeſaid, within the ſpace of twenty days after the ſame ſhall be ſecured in his Majeſty's warehouſe, the reſpective commiſſioners of the cuſtoms or exciſe in this kingdom, or the commiſſioners of the revenue in Ireland, ſhall with all convenient ſpeed, cauſe the name or deſcription of the veſſel on board which ſuch goods were laden, with the name of the maſter or commander thereof, and of the officer by whom ſhe was ſeized, and the port to which ſhe was brought, to be publiſhed for three ſeveral weeks ſucceſſively in the London Gazette; if ſuch goods ſhall be ſecured in any port of England, and in any publick news-paper printed at Edinburgh, if the goods ſhall be ſecured in Scotland, and in the Dublin Gazette, if the ſaid goods ſhall be ſecured in any port within the kingdom of Ireland.

Notice in the Gazette.

Conſignees of goods.

(2) And if it ſhall appear to the ſaid reſpective commiſſioners, by any papers on board the veſſel, to whom the ſaid goods are conſigned, the ſaid reſpective commiſſioners ſhall cauſe the like notice to be tranſmitted to ſuch conſignee by the common poſt.

Application in ſix months.

(3) And if no application ſhall be made as aforeſaid for ſuch goods, within the ſpace of ſix months after ſuch notice has been given, publiſhed, and tranſmitted in the manner before directed, it ſhall be lawful for the ſaid reſpective commiſſioners of cuſtoms and exciſe in Great Britain, and the commiſſioners of the revenue in Ireland, to cauſe the ſaid goods to be publicly ſold by auction or inch of candle to the beſt advantage, and to apply the produce thereof, firſt, to or towards the charges of warehouſe room, and other charges that ſhall ariſe thereon; next to the cuſtoms and duties that ſhall be due and payable for ſuch goods; and the overplus (if any) to the proprietor or other perſon authorized to receive the ſame.

Sale by auction.

Periſhable goods.

XII. *ſect.* 12. In caſe the ſaid goods, or any part thereof, ſhall be periſhable in their nature, it ſhall be lawful for the ſaid reſpective commiſſioners and officers aforeſaid, to cauſe the ſame to be forthwith ſold, and the produce diſpoſed of and applied in the manner herein before directed.

Ships bound to Africa, &c.

XIII. *ſect.* 13. For every ſhip or veſſel that ſhall ſet ſail out of, or from Great Britain or Ireland, for any part of Africa, or any of his Majeſty's dominions out of this realm, ſufficient bond ſhall be given with one ſurety beſides the maſter, to the collector or other principal officer of the cuſtoms of the port

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or place from whence the ſaid veſſel ſhall depart, to the value of one thouſand pounds, if the ſaid veſſel ſhall be of leſs burthen than one hundred tons, and of two thouſand pounds if the ſhip ſhall be of greater burthen, with condition that ſuch ſhip or veſſel ſhall not, during the courſe of the voyage, take on board any ſtores, goods, or merchandizes whatſoever, at the Iſle of Man, nor out of, or from any ſhip, veſſel, or boat at ſea or elſewhere, any ſtores, goods, or merchandizes, which ſhall have been brought from thence. Conditions of bonds.

(2) Which bond ſhall continue in force for one year after the completion of the voyage, and in caſe no fraud ſhall appear within that time, it ſhall be lawful for the reſpective commiſſioners of his Majeſty's cuſtoms in Great Britain, or the commiſſioners of the revenue in Ireland, or any three of them, to direct the bond to be delivered up. Continuance of the obligation.

XIV. *ſect.* 14. All officers acting in the execution of this act, ſhall be ſubject to the ſame penalties, forfeitures and diſabilities, for any corruptions, frauds, connivances, concealments, or colluſive agreements in breach of their duty, as they would be liable to if ſuch offences were committed in Great Britain. Penalties on officers.

(2) And every perſon who ſhall give or offer to give any bribe to ſuch officers, or ſhall make any colluſive agreement with them; or who ſhall any wiſe obſtruct, moleſt, or aſſault, maim or wound any ſuch officer, or any other perſon acting in their aid and aſſiſtance, in the due execution of their duty; or who ſhall be aſſiſting or otherwiſe concerned either in the unſhipping, landing or receiving any goods ſubject to the payment of duties, without paying the ſame; or any goods prohibited to be imported into the Iſle of Man, or in ſhipping or loading outwards any goods prohibited to be exported from thence, ſhall, in every ſuch caſe, be ſubject to the like penalties and forfeitures, as are provided by any acts of parliament, for the like offences in Great Britain. Offering bribes.

(3) And every ſuch offence ſhall be inquired of, examined, tried, and determined in any county within this kingdom, or Ireland, in ſuch manner and form, and by the ſame rules, regulations and reſtrictions, as if the ſame offence had been therein committed; according to the uſual courſe of proceedings in ſuch courts at the election of the reſpective commiſſioners of the cuſtoms or exciſe in Great Britain, or the commiſſioners of the revenue in Ireland, under whoſe directions any ſuit, indictment, or proſecution, ſhall be commenced and carried on. Trial of offences.

(4) And in caſe any ſuit, indictment, or proſecution ſhall be commenced in purſuance of this act, in any of the courts in Great Britain or Ireland, the like proceſs ſhall iſſue thereupon as would have iſſued if the ſaid offence had been therein committed, and may be directed to ſuch perſons as uſually and ordinarily execute proceſs iſſuing out of the courts of juſtice in the ſaid Iſle of Man, and the ſame ſhall be executed by ſuch perſons in any part of the ſaid Iſle of Man, or on board any ſhip, veſſel, or boat, being in any bay, harbour, river, or creek, of or belonging to the ſaid Iſle of Man, or within three leagues of the ſhores thereof. Proceſs to iſſue.

(5) And the offenders ſhall give the like bail and ſecurity for their appearance, and to anſwer the forfeitures and penalties incurred for ſuch offences, in the ſame manner and according to the uſual courſe of proceeding upon ſuch proceſs in Great Britain or Ireland reſpectively. Bail and ſecurity.

Subpœna to appear.

(6) And every perſon reſiding, or being in the ſaid Iſle of Man, who ſhall be there ſerved with any proceſs of *ſubpœna*, iſſuing out of any of his Majeſty's courts of record at Weſtminſter, Edinburgh, or Dublin, requiring ſuch perſon to appear in the ſaid courts reſpectively, either to anſwer any information, indictment, bill, or complaint therein exhibited, or to give evidence upon the trial of any cauſe therein depending, ſhall be compelled to appear or attend as required by the ſaid *ſubpœna*, under the ſame penalties and forfeitures as ſuch perſon would incur and be liable to for refuſing or neglecting to appear or attend, if they had been ſerved with ſuch proceſs in Great Britain or Ireland reſpectively; which penalties and forfeitures the ſaid reſpective courts are hereby authorized and impowered to inflict accordingly.

Judges.

Judges commiſſions during good behaviour, demiſe of King notwithſtanding.

I. *Stat.* 21 & 22 *Geo.* 3. *cap.* 50. *ſect.* 1. Whereas the independency of judges is eſſential to impartial adminiſtration of juſtice, and conducive to ſupport of the honour of the crown, and rights and liberties of the people; the preſent and all future commiſſions of judges, ſhall continue in full force during their good behaviour; and notwithſtanding demiſe of the King or his heirs or ſucceſſors; any law, uſage, or practice to contrary notwithſtanding.

Salaries paid ſo long as patents in force.

II. *ſect.* 2. All ſalaries and appointments granted to any judges, ſhall be paid, ſo long as the patents or commiſſions reſpectively remain in force.

Removed on addreſs of both houſes.

III. *ſect.* 3. It ſhall be lawful for his Majeſty, his heirs and ſucceſſors, to remove any judge upon addreſs of both houſes of parliament; any thing herein to contrary notwithſtanding.

Judgments.

Reverſal by attaint or error.

I. *Eng. Stat.* 4 *Hen.* 4. *cap.* 23. After judgment given in the courts of the King, the parties and their heirs ſhall be thereof in peace until the judgment be undone by attaint or error, as hath been uſed.

Day of the month and year.

II. *Stat.* 7 *Will.* 3. *cap.* 12. *ſect.* 13. Any judge or officer in his Majeſty's courts at Dublin, that ſhall ſign any judgment, ſhall, at the ſigning of the ſame, without fee, ſet down the day of the month and year of his ſo doing, upon the paper, book, docket or record which he ſhall ſign; which day of the month and year ſhall be alſo entered upon the margin of the roll of the record where the ſaid judgment ſhall be entered.

Effect from the time of ſigning.

(2) And ſuch judgments as againſt purchaſers *bona fide* for valuable conſiderations of lands to be charged thereby, ſhall in conſideration of law be judgments only from ſuch time as they ſhall be ſo ſigned, and ſhall not relate to the firſt day of the term whereof they are entered, or the day of the return of the original or filing the bail. *Eng. Stat.* 29 *Car.* 2. *cap.* 3. *ſect.* 14.

Entering ſatisfaction.

III. *Stat.* 6 *Geo.* 1. *cap.* 6. *ſect.* 19. No ſatisfaction ſhall hereafter be entered on the record of any judgment upon the motion of any attorney, except the ſaid attorney ſhall prove his warrant for acknowledging ſuch ſatisfaction, by affidavit of one credible witneſs in writing, to be filed in the office where ſuch judgment is acknowledged.

IV. *Stat.*

IV. *Stat.* 8 *Geo.* 1. *cap.* 6. *ſect.* 8. The prothonotaries of the court of chief place and common pleas, the clerk of the pleas of the exchequer, and the clerk of the recognizances and ſtatute ſtaple of the chancery, when any ſearch is required to be made concerning any judgments, ſtatutes ſtaple, ſtatutes merchant or recognizances, which have been entered ſince the twenty ninth day of May one thouſand ſix hundred and ſixty, or which ſhall be entered in any of the courts aforeſaid, when no judgments, ſtatutes or recognizances can be found entered in any of the ſaid courts againſt the perſons concerning whom ſuch ſearch is made, ſuch prothonotaries, clerk of the pleas, and clerk of the recognizances and ſtatute ſtaple, or their reſpective deputies, ſhall give a certificate under their hands to the perſons requiring the ſame, that having made diligent ſearch in their reſpective offices, they do not find any judgments, or ſtatutes ſtaple, or merchant, or recognizances entered againſt the perſons concerning whom ſuch ſearch is made. Negative certificate.

(2) Or if any judgments, ſtatutes or recognizances, be entered againſt ſuch perſons, they ſhall reſpectively certify, that they only find ſuch judgments, ſtatutes, and recognizances entered againſt ſuch perſons as ſhall be mentioned in ſuch certificate and no other, which certificates the ſaid prothonotaries, clerk of the pleas, and clerk of the recognizances and ſtatutes, or their reſpective deputies are required to ſign. Signing certificates.

(3) And if any of the officers aforeſaid ſhall be guilty of any fraud, colluſion or wilful neglect in making out any ſuch certificate whereby any perſon ſhall be aggrieved, ſuch perſon ſo damnified ſhall recover his damages againſt ſuch officer or his deputy, with full coſts of ſuit. Fraud or neglect.

V. *Stat.* 3 *Geo.* 2. *cap.* 7. *ſect.* 1. Upon the docket or record of every judgment acknowledged before, and ſigned by any judge or baron of the King's-bench, common pleas or exchequer, as ſoon as the ſame is brought into the proper office to be entered of record, the officer ſhall upon ſuch docket of record mark the day of the month and year that the ſame is brought into the office to be entered, which ſhall alſo be entered upon the margin of the roll of the record, as well as the day of the month and year when ſuch judgment was acknowledged before, and ſigned by the judge. Date to be marked.

VI. *ſect.* 2. Such judgments as againſt purchaſers or mortgagees *bona fide* for valuable conſideration of lands, &c. to be charged thereby, ſhall be judgments only from ſuch time as they ſhall be brought into the proper office to be entered of record, and ſigned by the proper officer on ſuch docket or record as aforeſaid, and ſhall not have any preference againſt heirs, executors or adminiſtrators, in their adminiſtration of their anceſtors, teſtators, or inteſtates eſtates, but from the time aforeſaid. Effect from the time of entry.

VII. *ſect.* 3. The proper officer of every court ſhall make and put into an alphabetical docket by the defendants names, an entry of all *cognovits*, or judgments acknowledged before any judge or baron, and delivered into the office, and of all rules for judgments upon verdicts, writs of inquiry of damages, demurrer, and every other rule for judgment, for debt or damages made in any term before the firſt day of the ſucceeding term, which entry ſhall contain the names of the plaintiffs and defendants, their places of abode, and addition, if any ſuch there be in the record, and the debt or damages recovered thereby. Alphabetical docket.

(2) And when judgment is entered upon the roll of record purſuant to ſuch dockets or rules, ſuch officer ſhall upon the margin of ſuch alphabetical docket Term to be mentioned.

mention the term when ſuch judgment was entered, and ſuch dockets ſhall be fairly kept in books in the offices of the reſpective officers of his Majeſty's ſaid courts at Dublin, to be ſearched and viewed by all perſons at all reaſonable times.

Fees to be paid.

VIII. *ſect.* 4. There ſhall be paid by the plaintiffs in every of the ſaid judgments upon verdicts, writs of inquiry, demurrer, and every other judgment to be entered, over and above the fees now due for the ſame, four pence. *Eng. Stat.* 4 & 5 *Will. & Mar. cap.* 20.

This act is continued for eleven years from the 25th of March 1764, *and to the end of the then next ſeſſion of parliament, by Stat.* 3 *Geo.* 3. *cap.* 20. *ſect.* 1. *Perpetual by* 13 & 14 G. 3. cap. 42. ſect. 5.

Memorial of aſſignments perfected.

IX. *Stat.* 9 *Geo.* 2. *cap.* 5. *ſect.* 1. Where any conuſee of a judgment, ſtatute ſtaple or ſtatute merchant, their executors or adminiſtrators ſhall aſſign the ſame to any perſons, ſuch conuſees, or their executors or adminiſtrators, ſhall alſo perfect a memorial of ſuch aſſignment under their hand and ſeal upon parchment or vellum, atteſted by two credible witneſſes, which memorial ſhall contain the names and addition of the perſons aſſigning ſuch judgments, &c. the names of the perſons to whom the ſame ſhall be aſſigned, and the ſums mentioned in ſuch aſſignments to be remaining due upon ſuch judgments, &c. with the day and year when ſuch aſſignments are perfected.

Affidavit of the perfection.

(2) And one of the witneſſes to ſuch memorial, who ſhall be a witneſs to the aſſignment, ſhall make an affidavit at the foot of ſuch memorial of the true perfection of ſuch aſſignment and memorial, before the officers where ſuch judgments, &c. ſhall be entered, or their deputies, or before any one of the judges of the four courts in Dublin, or before any one of the judges of his Majeſty's courts at Weſtminſter, which memorial and affidavit ſhall be lodged in the proper office where ſuch judgments ſhall be entered.

Entry of aſſignments.

(3) And the ſeveral officers of the ſaid courts are required to enter ſuch memorial of ſuch aſſignment, in rolls of parchment or vellum to be kept for that purpoſe in ſuch offices where ſuch judgments, &c. ſhall be entered; and ſuch officers are required to indorſe on ſuch aſſignments the day of the month and year, and hour of the day whereon ſuch memorials were ſo lodged and proved; and ſuch officers ſhall enter the number and roll where ſuch aſſignments are regiſtered at the foot of each reſpective judgment, &c. ſo aſſigned; for all which indorſements, entries and affidavits upon each reſpective memorial, ſix ſhillings and eight pence ſhall be paid.

Aſſignees may revive.

X. *ſect.* 2. From ſuch time as ſuch memorials of ſuch aſſignments ſhall be entered on ſuch roll as aforeſaid, it ſhall be lawful for the aſſignees of ſuch judgments, &c. their executors, adminiſtrators or aſſigns, and for no other perſons, to revive ſuch judgments, &c. in their own names, and take out executions on the ſame in the names of ſuch aſſignees, their executors, adminiſtrators, and to ſue forth executions thereon, reciting the ſpecial matter, and to releaſe the ſame, and alſo in their own names to enter ſatisfaction on the record of ſuch judgments, &c. as the conuſees of ſuch judgments, &c. might do.

Pleading payment.

(2) And the conuſors of ſuch judgments, &c. their executors, adminiſtrators or aſſigns, may upon payment to ſuch aſſignees plead payment ſpecially to ſuch aſſignees.

(3) And

(3) And ſuch aſſignees, their executors or adminiſtrators may aſſign the ſame over in manner aforeſaid, and ſuch aſſignments ſhall be proved and regiſtered in the reſpective offices in manner as aforeſaid; and ſuch aſſignees may revive and ſue out executions in their own names, and diſcharge and acknowledge ſatisfaction on ſuch judgments, &c. in manner aforeſaid. Aſſignment by aſſignees.

XI. *ſect.* 3. Provided that the conuſors of ſuch judgments, &c. their heirs, executors or adminiſtrators, ſhall have the ſame remedy and defence in law and equity againſt the aſſignees of ſuch judgments or their repreſentatives, which they could have had againſt the conuſees of the ſame, or their repreſentatives in caſe no ſuch aſſignments had been made. Defence ſaved to conuſors.

XII. *ſect.* 4. It ſhall be lawful for the aſſignees of any judgment, &c. already aſſigned, their executors or adminiſtrators, to perfect ſuch memorial in manner as aforeſaid, and to have the ſame entered, and to revive and ſue out executions, and to acknowledge ſatisfaction in their names, and aſſign ſuch judgments, in manner aforeſaid. Memorials by aſſignees.

XIII. *Stat.* 25 *Geo.* 2. *cap.* 14. *ſect.* 1. Every aſſignee of judgments, &c. ſtatutes ſtaple or merchant, by virtue of an act 9 *Geo.* 2. *for the more effectual aſſignment of judgments*, their executors, adminiſtrators or aſſigns, may not only revive ſuch judgments or ſtatutes in their own names, and take out executions thereon, but alſo may bring an action of debt, or proceed thereon in their own names, and be conſidered in the place and condition either in law or equity of the aſſignors. Suits by aſſignees in their own names perpetual.

XIV. *Stat.* 11 *Geo.* 3. *cap.* 1. *ſect.* 1. The act 9 Geo. 2. for more effectual aſſigning of judgments, ſo far as it relates to aſſignment of judgments, ſtatute ſtaple or merchants, and as amended and explained by 25 Geo. 2. revived and continued, and remain in full force ſo far until 24th June 1772, and to the end of the then next ſeſſion. 9 G. 2. c. 5. as amended by 25 G. 2. c. 14. revived, to 24 June 1772, &c.

XV. *ſect.* 2. All perſons, their executors, adminiſtrators and aſſigns, to whom judgments and ſtatutes, merchant or ſtaple, aſſigned ſince the expiration of ſaid acts, intitled to ſue or bring actions in their own names, or to acknowledge ſatisfaction on records of ſuch judgments ſo aſſigned, and have and receive all benefit and advantage of ſaid acts, and of every clauſe and proviſo therein, in as full and ample manner as if they had not expired. Aſſignees ſince ſaid acts expired, may ſue, &c.

XVI. *Stat.* 11 & 12 *Geo.* 3. *cap.* 19. *ſect.* 3. The act of the ninth of his late majeſty, ſo far as it relates to the aſſignment of judgments, ſtatute ſtaple, or merchant, and as the ſame was amended and explained by the 25th of his late M jeſty, ſhall be and remain in force to all intents and purpoſes for ever. 9 G. 2. c. 5. as amended by 25 G. 2. c. 14. perpetual.

XVII. *Stat.* 13 & 14 *Geo.* 3. *cap.* 42. *ſect.* 5. An act third of George the ſecond, *for diſcovery of judgments in the courts*, and every clauſe, article, and thing therein, ſhall be continued and in force for ever. 3 G. 2. c. 7 perpetual.

Juris utrum.

I. *Eng. Stat.* 14 *Edw.* 3. *cap.* 17. Parſons, vicars, and wardens of chapels, ſhall have their writs of *juris utrum*, of tenements annexed or given perpetually Writs to be granted.

ally in alms to vicarages or chapels, and recover by other writs in their caſe as parſons of churches or prebends. *See Tit.* **Conſimili caſu.**

Juries and Jurors.

Charters of exemption.

I. *Eng. Stat.* Marleber. 52 *Hen.* 3. *cap.* 14. Concerning charters of exemption and liberties, that the purchaſers ſhall not be impanelled in aſſiſes, juries and inqueſts, if their oaths be ſo requiſite, that without them juſtice cannot be miniſtred as in great aſſiſes, perambulations, and in deeds where they be named for witneſſes or in attaints, and in other caſes like, they ſhall be compelled to ſwear, ſaving to them at another time their exemption.

Perſons excuſed.

II. *Eng. Stat.* Weſtm. 2. 13 *Edw.* 1. *cap.* 38. In one aſſiſe no more ſhall be ſummoned than twenty four, and old men above ſeventy years, and ſuch as be ſick at the time of the ſummons, or not dwelling in that county, ſhall not be put in juries or petty aſſiſes.

Qualification of jurors.

(2) And if ſuch aſſiſes and juries be taken out of the ſhire, none ſhall paſs in them, but thoſe that may diſpend 40*s.* yearly at leaſt, except ſuch as be witneſſes in writings, neither ſhall this ſtatute extend to great aſſiſes.

Damages againſt ſheriffs.

(3) And if the ſheriff or bailiffs offend in any point of this ſtatute, and thereupon be convict, damages ſhall be awarded to the parties grieved, and they ſhall nevertheleſs be amerced to the King, and juſtices aſſigned to take aſſiſes, ſhall have power to hear plaints as to the articles in this ſtatute.

Lands of 100*s.*

III. *Stat.* De iis qui ponend', &c. 21 *Edw.* 1. *ſtat.* 1. No ſheriff nor bailiff ſhall put in any recognizance, that ſhall paſs out of their proper bailiwicks any, except they have lands to the yearly value of an 100*s.* at leaſt. And this ſtatute ſhall not reſtrain the laſt ſtatute of Weſtminſter cap. 38. ſo that within the county before juſtices of the King, aſſigned to the taking of inqueſts or other recognizances.

Perſons to be impannelled.

(2) None ſhall be impanelled except he have lands to the yearly value of 40*s.* and likewiſe ſaving that before juſtices errant, and alſo in cities, boroughs, and other market towns, it ſhall be done as it hath been accuſtomed.

Duty of ſheriffs.

IV. *Eng. Stat.* Artic. ſuper. chart. 28 *Edw.* 1. *ſtat.* 3. *cap.* 9. No ſheriff nor bailiff ſhall impanel in juries too many perſons, nor otherwiſe than is ordained by the ſtatute, and they ſhall put in the jury ſuch as be next neighbours, moſt ſufficient and leaſt ſuſpicious; and he that otherwiſe doth, and is attainted thereupon, ſhall pay the plaintiff his damages double, and be grievouſly amerced to the King.

Cauſe of challenge.

V. *Eng. Stat.* Ordin. for inqueſts. 33 *Edw.* 1. *ſtat.* 4. Of inqueſt to be taken wherein the King is party, notwithſtanding it be alledged that the jurors, or ſome of them, be not indifferent for the King, yet ſuch inqueſt ſhall not remain untaken for that cauſe; but if they that ſue for the King will challenge any of thoſe jurors, they ſhall aſſign a cauſe, and the truth of the challenge ſhall be inquired of.

Taking of the parties.

VI. *Eng. Stat.* 5 *Edw.* 3. *cap.* 10. If any juror in aſſiſes, juries, or inqueſts, take of the one party or the other, and be thereof attainted, he ſhall not

not be put in any aſſiſes, juries, or inqueſts, and nevertheleſs he ſhall be commanded to priſon, and further ranſomed at the King's will; and the juſtices before whom ſuch aſſiſes, &c. ſhall paſs, ſhall have power to inquire and determine according to this ſtatute.

VII. *Eng. Stat.* 25 *Edw.* 3. *ſtat.* 5. *cap.* 3. No indictor ſhall be put in inqueſts upon the deliverances of the indictees of felony or treſpaſſes, if he be challenged for the ſame cauſe. Indictors not to be jurors.

VIII. *Eng. Stat.* 34 *Edw.* 3. *cap.* 4. Panels ſhall be made of the next people not ſuſpected nor procured; and the ſheriffs, coroners, and other miniſters, which do againſt the ſame, ſhall be puniſhed, before the juſtices take the inqueſt, according to their treſpaſs, as well againſt the King as againſt the party. Panels how to be made.

IX. *Eng. Stat.* 34 *Edw.* 3. *cap.* 8. In every plea, whereof the inqueſt or aſſiſe doth paſs, if any of the parties will ſue againſt any of the jurors, that they have taken of his adverſary or of him for their verdict, he ſhall have his plaint by bill preſently before the juſtices before whom they did ſwear, and if the juror plead to the contrary, the inqueſt ſhall be taken forthwith; and if any other than the party will ſue for the King againſt the juror, it ſhall be heard. Suit againſt jurors.

(2) And if the jurors be attainted, at the ſuit of other than the party, he that ſueth ſhall have half the fine, and the parties to the plea ſhall recover their damages by the taxing of the inqueſt; and the juror ſo attainted ſhall have impriſonment one year, which ſhall not be pardoned; and if the party will ſue by writ before other juſtices, he ſhall have the ſuit in the form aforeſaid. Fine and damages.

X. *Eng. Stat.* 38 *Edw.* 3. *ſtat.* 1. *cap.* 12. If any jurors do take any thing of the plaintiff, or defendant, to ſay their verdict, and thereof be attainted by the proceſs contained in *ſtat.* 34 *Edw.* 3. *cap.* 8. be it at the ſuit of the party that will ſue for himſelf or for the king, or for the ſuit of any other, every of the ſaid jurors ſhall pay ten times as much as he hath taken, and he that will ſue ſhall have the one half, and the king the other. Ten times the thing taken.

(2) And all embraceors to procure ſuch inqueſts for gain ſhall be puniſhed as the jurors, or if the juror or imbraceor have not wherefore to make gree, he ſhall have impriſonment for one year; and no juſtice or other miniſter ſhall inquire of office upon the points of this article, but only at the ſuit of the party or of other. Puniſhment of imbraceors.

XI. *Eng. Stat.* 42 *Edw.* 3. *cap.* 11. No inqueſt but aſſizes and deliverances of gaols ſhall be taken by writ of *niſi prius* nor in other manner, before that the names of all that ſhall paſs in the inqueſt be returned in court. Writs of niſi prius.

(2) And the ſheriffs ſhall array the panels in aſſizes, four days at leaſt before the ſeſſions of the juſtices, upon pain of twenty pounds, and bailiffs of franchiſes ſhall make their anſwer to ſheriffs, ſix days before the ſeſſions, upon the ſame pain; and in all panels arrayed by the ſheriffs or bailiff ſhall be put the moſt ſubſtantial people and worthy of faith and not ſuſpect and the nigheſt. Array of panels.

XII. *Eng.*

Indictment by lawful inquests.

XII. *Eng. Stat.* 11 *Hen.* 4. *cap.* 9. No indictment ſhall be made but by inqueſts of lawful people, returned by the ſheriffs or bailiffs of franchiſes, without any denomination before hand made according to law; and if any indictment be made to the contrary, the ſame ſhall be void.

Inqueſts upon trials.

XIII. *Eng. Stat.* 2 *Hen.* 5. *ſtat.* 2. *cap.* 3. No perſon ſhall paſs in any inqueſt upon trial of the death of a man, nor betwixt party and party in plea real or perſonal whereof the debt or damage amounts to forty marks, if he have lands of the yearly value of forty ſhillings, ſo that it be challenged by the party.

Recording appearance.

XIV. *Eng. Stat.* 8 *Edw.* 4. *cap.* 3. Every juror that ſhall be impanelled and returned within the county of Middleſex in the King's courts, at every fourth day of the return, ſhall be demanded; and all perſons impanelled in thoſe courts, that appear at the ſaid day, their appearance ſhall be recorded; and every default, eſſoign and other delay, of any plaintiff or defendant in any perſonal action, ſhall be adjudged, adjourned, and allowed, as before this ſtatute.

Jurors in the ſheriffs turns.

XV. *Eng. Stat.* 1 *Ric.* 3. *cap.* 4. No bailiff nor other officer ſhall return in any panel, any perſon in any of the ſheriff's turns but ſuch as be of good fame, and having lands of freehold within the counties to the yearly value of twenty ſhillings at leaſt, or copyhold to the yearly value of twenty ſix ſhillings and eight pence; and if any bailiff or other officer return any perſon contrary to this ſtatute, he ſhall loſe for every perſon ſo returned forty ſhillings, and the ſheriff other forty ſhillings, the one half to the King, and the other half to the party that will ſue by action of debt, &c. and every indictment before any ſheriff in his turn otherwiſe taken, ſhall be void.

Additions in panels.

XVI. *Stat.* 7 *Hen.* 6. *cap.* 1. In inqueſts to be taken between the King and the party, and the lords of franchiſes and the party, or between party and party, in the courts of the King or of any lord of franchiſe, additions of their eſtate or of their miſtery, or of their places, ſhall be put in the panels of the ſaid inqueſts; and if the ſheriffs or other miniſters which have return of writs, do the contrary, they ſhall be amerced, and their amerciaments ſhall be aſſeſſed and affeered by the diſcretion of the judges before whom the ſaid writs are returned.

Challenges ſaved.

XVII. *Stat.* 5 *Edw.* 4. *cap.* 1. Where perſons enfeoffed others to their uſe of lands, to this intent, that the tenants ought not to have any challenge againſt the ſheriffs, coroners, or jurors, it is ordained, that the perſons grieved by ſuch feoffments may have any challenge which was good in law againſt him to whoſe uſe the parties ſued.

Coroners inqueſts.

XVIII. *Stat.* 32 *Hen.* 6. *cap.* 2. Where inquiſitions are taken before the coroners, upon the ſight of the bodies of men felonioufly killed in the night, and many times in ſolitary places in the day, that the people have no knowledge of the felons, the people being ſworn in the ſaid inquiſition, they ſay upon their oaths that they do not know the felon; notwithſtanding the coroners will take no ſuch verdict of them, but do vex them from day to other,

and

and from place to place, to the intent to charge the people with the escapes, and so compel them to say a false verdict, to the great hurt of the people so sworn; wherefore, if by their oath they say they do not know the felon, the coroner shall give them another reasonable day; and if they say at the second day the same verdict, then the coroners shall discharge the said people; and if they will not, it shall be lawful for them to depart, and to go to their houses without any impeachment of the King or his officers, and that done, the justices nor none of them shall put any *habeas corpora* for the same jurors, nor any special *venire* for the matter.

Consanguinity or affinity.

XIX. *Stat.* 33 *Hen.* 8. *sess.* 1. *cap.* 4. Consanguinity or affinity being not within the fifth degree betwixt the juror impannelled in any inquest or trial of his wife or any of the parties to the same, or the wife of the same parties, or betwixt the sheriffs, undersheriffs, coroners, or other officers that shall return or array any panel or jury in any inquest or trial, or the wife of any of them, and any of the parties to the same, or the wife of any of the same parties, shall be no principal challenge.

Papists not to be on grand juries.

XX. *Stat.* 6 *Ann. cap.* 6. *sect.* 5. No papist shall serve or be returned on any grand jury in the Queen's bench, or before justices of assize, oyer and terminer, or gaol delivery, or quarter sessions, unless it shall appear to the justices that a sufficient number of protestants cannot be then had for that service.

Challenge to papists.

(2) And all trials of issues on any presentment, indictment, information, or action on any of the statutes mentioned in this act, *See Tit.* Attainies, &c. it shall be lawful for the prosecutor or plaintiff to challenge any papist returned as juror to try the same, which challenge the judges shall allow.

Qualifications for trials of issues perpetual.

XXI. *Stat* 29 *Geo.* 2. *cap.* 6. *sect.* 1. No person (other than strangers, upon trials, *per medietatem linguæ*) shall be qualified to serve as jurors, for the trial of issues between party and party, in the courts of chancery, king's bench, common pleas, or exchequer, or to serve on any jury on the trial of any such issue, before justices of assize, or *nisi prius* (except in counties of cities and towns) that shall not be seized of a freehold of the clear yearly value of ten pounds, or being protestants, shall not be possessed of leases for a term of years, of which fifteen years shall be then unexpired, or leases for sixty one years or more, determinable on one or more lives, on which a clear profit rent of not less than fifteen pounds shall accrue to the lessee.

Cause of challenge.

(2) And if any person of lesser estate or value than as aforesaid, shall be returned upon any such jury, it shall be a good cause of challenge, and the party so returned shall be discharged upon such challenge, on due proof thereof, or on oath by him to be made of the truth of such matter.

Form of venire facias.

(3) And the writ of *venire facias*, which from the time aforesaid, shall be awarded for impannelling of juries, in cases aforesaid, shall be in this form: *King, and so forth. We command, and so forth, that you cause to come before, and so forth, twelve free and lawful men of your county, every of which to have ten pounds a year, at least, in lands, tenements, or rents, by whom, and so forth, and who are in no ways, and so forth*; and the residue of the said writ shall be after the usual manner. And upon such writ, all persons qualified by this act to serve on juries, as is before directed, whether freeholders or leaseholders, may be

be returned, ſummoned, and impannelled, by virtue of this act, or any other acts for that purpoſe.

Rewards for excuſing.

XXII. *ſect.* 2. No ſheriff or under-ſheriff, bailiff, or other officer, or perſon, ſhall take or receive any reward to excuſe any perſon from ſerving or being ſummoned to ſerve on juries, or under that colour or pretence.

Summoning jurors.

(2) And no bailiff or other officer appointed by any ſheriff or under ſheriff to ſummon juries, ſhall ſummon any perſon to ſerve thereon, other than ſuch whoſe name is ſpecified in a mandate ſigned by ſuch ſheriff or under ſheriff, and directed to ſuch bailiff or other officer, but ſhall ſummon every perſon named in ſuch mandate, by the ſpace of ſix days at leaſt, before the time appointed for ſuch jury to appear.

Penalties on officers.

(3) And if any ſheriff, under-ſheriff, bailiff, or other officer, ſhall wilfully tranſgreſs in any of the caſes aforeſaid, any court where ſuch jury is to appear, the judge or juſtices of aſſize or *niſi prius*, is required on examination and proof of ſuch offence, and in a ſummary way, to ſet fines upon perſons ſo offending, as he ſhall think meet, not exceeding forty pounds, nor leſs than twenty pounds, according to the nature of the offence, to be eſtreated into the exchequer.

Pannel annexed to writ.

XXIII. *ſect.* 3. Every ſheriff or other officer to whom the return of the *venire facias*, or other proceſs for the trial of cauſes before juſtices of aſſize or *niſi prius*, in any county ſhall belong, ſhall upon his return of every ſuch writ of *venire facias* (unleſs in cauſes intended to be tried at bar, or in caſes where a ſpecial jury ſhall be ſtruck by order of court) annex a pannel to every ſuch writ, containing the chriſtian and ſurnames, additions and places of abode of ſuch jurors as they ſhall return.

Number to be returned.

(2) Which number ſhall not be leſs than thirty ſix, nor more than ſixty, without the direction of the judges appointed to go the circuit, and to ſit as judges of aſſize or *niſi prius* in ſuch county, or one of them, who are impowered, if they ſee cauſe, by order under their hands, to direct a greater or leſſer number, and then ſuch number as ſhall be ſo directed, ſhall be the number to ſerve on ſuch jury; and ſuch jury ſo returned, ſhall try all the iſſues at that aſſizes.

Writs of *habeas corpora or diſtringas.*

(3) And the writs of *habeas corpora* or *diſtringas*, ſubſequent to ſuch writ of *venire facias*, need not have inſerted in the bodies of ſuch writs, the names of all the perſons contained in ſuch pannel, but it ſhall be ſufficient to inſert in the mandatory parts of ſuch writs, *the bodies of the ſeveral perſons named in a pannel to this writ annexed*, or words of the like import, and to annex to ſuch writs, pannels containing the ſame names as were returned in the pannel, to ſuch *venire facias*, with their additions and their places of abode, that the parties concerned in any ſuch trials may have timely notice of the jurors who are to ſerve thereon, in order to make their challenges to them, if there be cauſe.

Fees for returns.

(4) And for making the returns and pannels aforeſaid, and annexing the ſame to their writs, no other fees ſhall be taken than what are now allowed to be taken for the return of the like writs or pannels annexed to the ſame; and the perſons named in ſuch pannels ſhall be ſummoned to ſerve on juries at the then next aſſizes or ſeſſions of *niſi prius*, for the reſpective counties to be named in ſuch writs, and no other.

XXIV. *ſect.*

XXIV. *ſect.* 4. The name of every perſon who ſhall be ſummoned and impannelled as aforeſaid, with his addition, and the place of his abode ſhall be written on ſeveral diſtinct pieces of parchment or paper, being all as near as may be of equal ſize and bigneſs, and ſhall be delivered unto the clerk of ſuch judge of aſſize or *niſi prius*, who is to try the cauſes by the ſheriff or under ſheriff of the county, or other officer, returning the proceſs, and ſhall, by the direction and care of ſuch clerk, be rolled up all as near as may be in the ſame manner, and put together in a box or glaſs to be provided for that purpoſe. Names and additions to be written.

(2) And when any cauſe ſhall be brought on to be tried, ſome indifferent perſon, by direction of the court, ſhall in open court, draw out twelve of the ſaid parchments or papers one after another, and if any of the perſons whoſe names ſhall be ſo drawn ſhall not appear, or ſhall be challenged and ſet aſide, then ſuch further number until twelve perſons be drawn who ſhall appear; and after all cauſes of challenge ſhall be allowed as fair and indifferent, and the ſaid twelve perſons ſo firſt drawn, appearing and approved of as indifferent, their names being marked in the pannel, and they being ſworn, ſhall be the jury to try the ſaid cauſe. Drawing of names.

(3) And the names of the perſons ſo drawn and ſworn ſhall be kept by themſelves, in ſome box or glaſs to be kept for that purpoſe, till ſuch jury have given in their verdict, and the ſame is recorded, or until ſuch jury ſhall, by conſent of parties, or leave of the court be diſcharged, and then the ſame names ſhall be rolled up again, and returned to the former box or glaſs, there to be kept with the other names remaining at that time undrawn, and ſo *toties quoties*, as long as any cauſe remains then to be tried. Names to be kept in a box.

XXV. *ſect.* 5. If any cauſe ſhall be brought on to be tried in any of the ſaid courts reſpectively, before the jury in any other cauſe ſhall have brought in their verdict or be diſcharged, it ſhall be lawful for the court to order twelve of the reſidue of the ſaid parchments or papers not containing the names of any of the jurors who ſhall not have ſo brought in their verdict or be diſcharged, to be drawn in ſuch manner as is aforeſaid for the trial of the cauſe which ſhall be brought on to be tried. Drawing for other trials.

XXVI. *ſect.* 6. Every perſon whoſe name ſhall be ſo drawn, and who ſhall not appear after being openly called three times, ſhall, upon oath made by ſome credible perſon, that ſuch perſon, ſo making default had been lawfully ſummoned, forfeit and pay for every default in not appearing upon call as aforeſaid (unleſs ſome reaſonable cauſe of his abſence be proved by oath or affidavit, to the ſatisfaction of the judge who ſits to try the ſaid cauſe) ſuch fine not exceeding twenty pounds, and not leſs than forty ſhillings, as the ſaid judge ſhall think reaſonable to impoſe for ſuch default; which fine ſo impoſed, the judges are required to eſtreat into the exchequer. Forfeiture for defaults.

XXVII. *ſect.* 7. Provided, that where a view ſhall be allowed in any cauſe, in ſuch caſe, ſix of the jurors who ſhall be named in ſuch pannel, or more, who ſhall be mutually conſented to by the parties or their attornies on both ſides, (or if they cannot agree, ſhall be named by the proper officer of the reſpective courts of King's bench, common pleas, or exchequer at Dublin, for the cauſes in their reſpective courts) ſhall have the view; and ſuch of them as appear, and ſhall not be challenged off, ſhall be firſt ſworn upon the jury to try the ſaid cauſe, before any drawing as aforeſaid, and ſo many only ſhall be drawn, to be added to the viewers who appear and are ſworn, as ſhall after all defaults Viewers to be firſt ſworn.

and challenges allowed, make up the number of twelve to be ſworn for the trial of any ſuch cauſe.

Returns by coroners, &c.

XXVIII. *ſect.* 8. Provided alſo, that whenſoever it ſhall happen that a jury for the trial of any iſſue by *niſi prius*, ſhall not be returned by the ſheriffs, but ſhall be returned by the coroners or other officers legally appointed, that ſuch coroners, or officers ſhall return the ſame number of jurors, and under the ſame qualifications as the ſheriff by law is bound to do, and the jurors ſo returned, ſhall be ballotted for in the ſame manner.

Tales may be granted.

XXIX. *ſect.* 9. And whereas it may happen that a ſufficient number of the jurors returned may not appear after legal challenges; a tales may be granted, and returned as hath been heretofore uſed.

New writ to be proſecuted.

XXX. *ſect.* 10. If at any time after the commencement of this act any plaintiff or demandant, in any cauſe between party and party, depending in any of the King's courts at Dublin, which ſhall be at iſſue, ſhall ſue forth any writ of *venire facias*, upon which any writ of *habeas corpora*, or *diſtringas*, with a *niſi prius*, ſhall iſſue, in order to the trial of ſuch iſſue, at the aſſizes or the ſittings in the court of King's bench, common pleas, or exchequer, in, or after term, for trial by *niſi prius*; and that ſuch plaintiff or demandant ſhall not proceed to the trial of ſuch iſſue, at the ſaid firſt aſſizes, or next ſitting in the ſaid courts, after the teſt of every ſuch writ of *habeas corpora* or *diſtringas*, with a *niſi prius*; then, and in all ſuch caſes, other than where views by jurors ſhall be directed, the plaintiff or demandant, whenſoever he or ſhe ſhall think fit to try ſuch iſſue at any other aſſizes or ſitting in the ſaid courts, ſhall ſue forth and proſecute a new writ of *venire facias*, directed to the ſheriff or other returning officer.

Ancient fees to be taken.

(2) Which writ being duly returned and filed, a writ of *habeas corpora* or *diſtringas*, with a *niſi prius*, ſhall iſſue thereupon, for which the antient and accuſtomed fees ſhall be taken, and no more, as in the caſe of *pluries*, *habeas corpora*, or *diſtringas*, with the *niſi prius*; upon which the plaintiff or demandant may proceed to trial, as if no former writ of *venire facias* had been proſecuted or filed in that cauſe, and ſo *toties quoties*, as the caſe ſhall require.

XXXI. *ſect.* 11. If any defendant or tenant, in any action depending in any of the ſaid courts, ſhall be minded to bring to trial any iſſue joined, when by the courſe of any of the ſaid courts, they may lawfully do the ſame by proviſoe, ſuch defendants or tenants may the iſſuable term next preceding ſuch intended trial to be had at the next aſſizes or ſittings in ſaid courts, ſue out a new *venire facias* to the ſheriff, or other returning officer, by proviſo, and proſecute the ſame by writ of *habeas corpora*, or *diſtringas*, with a *niſi prius*, as though there had not been any former *venire facias* ſued out or returned in that cauſe, and ſo *toties quoties*, as the matter ſhall require.

Writs and trials good.

XXXII. *ſect.* 12. Every writ of *venire facias*, and every writ of *habeas corpora*, or *diſtringas*, with a *niſi prius*, ſued out and proſecuted according to the direction of this act, and all trials, entries, and proceedings thereupon, ſhall be good and warrantable by law, and not be erroneous, or be aſſigned or aſſignable for error.

Papiſts not to be qualified.

XXXIII. *ſect.* 13. Provided, that nothing in this act ſhall extend to qualify any perſon of the popiſh religion to ſerve on any jury, in ſuch caſes, where, by Stat. 8 Ann. cap. 3. or by any other law now in being, ſuch perſons are rendered incapable of being jurors, or to ſerve on juries, or on the trials of any iſſues, or any action depending in any of the courts above-mentioned,

tioned, where ſuch action or ſuit is commenced and carried on by a proteſtant againſt a papiſt, or a papiſt againſt a proteſtant.

(2) In which caſes, it ſhall be lawful to challenge any papiſt returned as a juror, to try the iſſue in any ſuch caſe, and aſſign for cauſe, that the perſon ſo returned to ſerve is a papiſt, or reputed papiſt; which challenge, the judge or judges, before whom the ſame is to be tried, ſhall allow if proved, and adjudge the ſame to be a good challenge. Challenge of papiſts.

XXXIV. *ſect.* 14. All trials on appeals of murder or felony, ſhall be by jurors returned by the ſheriff, or other proper officer, according to the rules of the common law. Trials on appeals.

This act is revived and continued, by Stat. 1 Geo. 3. cap. 17. ſect. 12. unto the firſt day of May, 1771, and to the end of the then next ſeſſion of parliament.

XXXV. *Stat. 1 Geo. 3. cap. 17. ſect. 12.* One act paſſed in the twenty ninth year of his late Majeſty, *for the better regulating juries*, ſhall be revived and continued unto the firſt day of May, 1771, and from thence to the end of the then next ſeſſion of parliament. Former act revived.

XXXVI *ſect. 13.* No iſſue ſhall hereafter be tried by a jury of any city, in any action or ſuit concerning any tolls, duties, or cuſtoms, claimed by the corporation of ſuch city, but every ſuch iſſue ſhall be tried by a jury of an indifferent county, to be appointed by the court in which ſuch action or ſuit ſhall depend. Trials for tolls or cuſtoms.

XXXVII. *Stat. 13 & 14 Geo. 3. cap. 41. ſect. 1.* An act twenty-ninth year of George the ſecond, *for better regulating of juries*, and all clauſes and proviſoes therein, ſhall be revived and continued in force for ever. 29 G. 2. c. 6, perpetual.

XXXVIII. *Stat. 17 & 18 Geo. 3. cap. 45. ſect. 3.* It ſhall be lawful for King's-bench, Common-pleas, and Exchequer reſpectively, upon motion by council on behalf of any plaintiffs, or defendants in any action, cauſe, or ſuit whatſoever (except indictments, informations for miſdemeanors or in nature of *quo warranto*) to order and appoint juries to be ſtruck before the proper officer of each court for the trial of any iſſue, joined in any of ſaid caſes, and triable by a jury of twelve men, in ſuch manner as ſpecial juries have been and are uſually ſtruck in ſuch courts reſpectively upon trials at bar in the ſame courts. Juries may on council's motion be ſtruck before the proper officer on any iſſue (ſave indictment, information, &c.) as ſpecial juries are on trials at bar.

XXXIX. *ſect. 4.* The jury ſo ſtruck ſhall be the jury returned for trial of ſaid iſſue, and ſummoned by the ſheriff or other officer appointed to return the ſame at leaſt ſix days before the aſſizes or ſittings, at which ſuch iſſue is to be tried. And ſhall be the jury returned for trial, and ſummoned 6 days before.

XL. *ſect. 5.* The party, who ſhall apply for ſuch jury to be ſtruck, ſhall bear and pay the fees for ſtriking ſuch jury, and ſhall not have any allowance for the ſame upon taxation of coſts. Fees borne by the party, and not taxed.

XLI. *ſect. 6.* Where any ſpecial jury ordered by rule of any of ſaid courts to be ſtruck by the proper officer in manner aforeſaid, in any cauſe ariſing in any city or county of a city or town, the ſheriff or ſheriffs ſhall be ordered by ſuch rule to bring, or cauſe to be brought, before ſaid officer, the books or liſts of perſons qualified to ſerve on juries within the ſame, out of which juries ought to be returned by ſuch ſheriffs in like manner as the grand pannel In cities or counties of towns, ſheriffs ſhall bring to the officer liſts of qualified jurors, as the grand pannel for trials at bar in counties at large,

nel usually ordered to be brought in order to striking juries for trial at bar
jury struck thereout. in causes arising in counties at large; and in every such case the jury shall be taken and struck out of such book or list respectively.

Not summoning in writing every person struck or returned 6 days before, fined not above 50l. nor under 10l. estreated.

XLII. *sect.* 7. If sheriffs, or such other officer appointed to return such jury, omit or neglect to summon or cause to be summoned by a note in writing every person so struck or returned, at least six days before the assizes or sittings, whereat such issue is to be tried, he shall forfeit such fine not exceeding fifty pounds, and not less than ten pounds, as the judge, before whom such issues to be tried, shall think reasonable for every such offence, and said judge shall estreat such fines.

Not appearing, on oath of summons, fine not above 20l. nor under 5l. estreated, unless cause on oath allowed.

XLIII. *sect.* 8. Every person so returned, who shall not appear after openly called three times, shall upon oath by some credible person that such person had been summoned by a note in writing six days at least before assizes or sittings, forfeit (unless reasonable cause of absence proved by oath to satisfaction of said judge or justices) such fine not exceeding twenty pounds and not less than five pounds, as said judge shall think reasonable, and said judges shall estreat the same.

Tales may be ordered,

XLIV. *sect.* 9. In every cause wherein a special jury awarded by this act, and a full jury shall not appear before the judge or justices, before whom to be tried, or after appearance of a full jury by challenge of any of the parties the issue is like to remain untried for default of jurors, said justices, upon request by plaintiff or defendant, shall have authority to command the sheriff, or officers to whom the making said return belong, to appoint as often as need be twelve such other able persons of said county then present, to whom no cause of challenge doth lie, and the names of persons so named with additions and places of abode shall be written on distinct pieces of parchment or paper, all as near as may be of equal size, and delivered to the clerk of the judge before whom such issue tried, by the sheriff or officer, and by direction and care of such clerk rolled up all as near as may be in same manner, and put together in a box or glass, and some indifferent person by direction of the court in open court shall draw out said parchments or papers one after another, until a number appear sufficient with those of the original pannel, who appeared, to make up the number of twelve, who shall be the jury to try said issue.

drawn by ballot, till sufficient number appear.

As valid as if tried by 12 originally struck.

XLV. *sect.* 10. Every trial by such jury shall be as good and effectual in law to all intents, as if tried by twelve of the jurors originally struck and appointed; and all such persons shall after such nomination and appointment in every respect be considered, as if returned upon the original pannel struck to try said issue.

Justices of Assize.

Justices to be assigned.

I. *Stat.* 3 *Edw.* 2. *cap.* 5. There shall be certain justices assigned to take the assizes of *Mortdancestor* and of *novel disseisin* in all the counties of Ireland, and to deliver the gaols in the same counties, and that they shall make estreats of the fines and amerciaments, chattels of felons, and other manner of profits, which appertain to the King throughout their offices, and such estreats shall deliver into the exchequer twice every year, that is to say, at Easter term and Michaelmas term.

II. *Eng.*

Juſtices of Aſſize.

II. *Eng. Stat.* 6 *Ric.* 2. *cap.* 5. The juſtices aſſigned to take aſſizes and deliver the gaols, ſhall hold their ſeſſions in the chief towns of the counties where the ſhire-courts be holden. Seſſions in the chief towns.

III. *Eng. Stat.* 8 *Ric.* 2. *cap.* 2. No man of law ſhall be juſtice of aſſizes, or of deliverance of gaols in his own county; and the chief juſtice of the common bench ſhall be aſſigned amongſt other to take ſuch aſſizes and deliver gaols; but as to the chief juſtice of the king's bench, it ſhall be as for the moſt part of an hundred years laſt paſt was wont to be done. Juſtices in their own county.

IV. *Eng. Stat.* 11 *Ric.* 2. *cap.* 11. Whereas in a ſtatute 6 *Ric.* 2. *cap.* 5. it was ordained that the juſtices aſſigned to take aſſizes, &c. ſhould hold their ſeſſions in the chief towns of every county, it is granted that the chancellor ſhall have power thereof to make remedy by advice of the juſtices notwithſtanding the ſtatute. Chancellor's power.

V. *Eng. Stat.* 20 *Ric.* 2. *cap.* 3. No lord nor other of the county ſhall ſit upon the bench with the juſtices to take aſſizes upon great forfeiture to the King; and the juſtices ſhall not ſuffer the contrary to be done. Lords taking aſſizes.

VI. *Stat.* 3 *Geo.* 2. *cap.* 9. *ſect.* 7. The judges of aſſize ſhall inquire what perſons remain in gaol in their circuits meerly for fees due to the high ſheriff, deputy ſheriff, clerk of the crown, and clerk of the peace, or any of their deputies, and upon ſuch inquiry, and a repreſentation of the grand jury that they are not able to pay their fees, ſhall forthwith diſcharge ſuch of them as upon examination of their circumſtances they find unable to diſcharge ſuch fees. Priſoners for fees.

Juſtices of both Benches, &c. Vide Judges.

I. The oath of the juſtices, *Eng. Stat.* 18 *Edw.* 3. *Stat.* 4. *Ye ſhall ſwear that well and lawfully ye ſhall ſerve our lord the King and his people in the office of juſtice, and that lawfully ye ſhall counſel the King in his buſineſs, and that ye ſhall not counſel nor aſſent to any thing which may turn him in damage or diſheriſon by any manner, way, or colour; and that ye ſhall not know the damage or diſheriſon of him, whereof ye ſhall not cauſe him to be warned by yourſelf or by other; and that ye ſhall do equal law and execution of right to all his ſubjects, rich and poor, without having regard to any perſon.* Oath of juſtices.

And that ye take not by your ſelf or by other, privily nor apartly, gift nor reward of gold nor ſilver, nor of any other thing which may turn to your profit, unleſs it be meat or drink, and that of ſmall value, of any man that ſhall have any plea or proceſs hanging before you, as long as the ſame proceſs ſhall be ſo hanging, nor after, for the ſame cauſe. And that ye take no fee as long as ye ſhall be juſtice, nor robes of any man great or ſmall, but of the King himſelf. And that ye give none advice nor counſel to no man great nor ſmall in no caſe where the King is party. Taking gifts or fees.

And in caſe that any, of what eſtate or condition they be, come before you in your ſeſſions with force and arms, or otherwiſe againſt the peace, or againſt the form of the ſtatute thereof made, to diſturb execution of the common law, or to menace the people that they may not purſue the law, that ye ſhall cauſe their bodies to be arreſted Arreſt of perſons.

reſted and put in priſon; and in caſe they be ſuch that ye cannot arreſt them, that ye certify the King of their names and of their miſpriſion haſtily, ſo that he may thereof ordain a convenable remedy.

Maintaining pleas. *And that ye by your ſelf nor by other, privily nor apartly, maintain any plea or quarrel hanging in the King's court or elſewhere in the country. And that ye deny no man common right by the King's letters, nor none other man's, nor for none other cauſe; and in caſe any letters come to you contrary to the law, that you do nothing by ſuch letters, but certify the King thereof, and proceed to execute the law notwithſtanding the ſame letters. And that ye ſhall do and procure the profit of the King and of his crown, with all things where ye may reaſonably do the ſame.*

Found in default. *And in caſe ye be from henceforth found in default in any of the points aforeſaid, ye ſhall be at the King's will of body, lands, and goods, thereof to be done as ſhall pleaſe him. As God you help and all ſaints.*

Right to be done equally. II. *Eng. Stat.* 20 *Edw.* 3. *cap.* 1. The juſtices ſhall do equal law and execution of right to all ſubjects without regard to any perſon, and without omitting to do right for any letters or command from the King, or from any other, or by any other cauſe; and if any letters, &c. come to the juſtices or other deputed to do law and right in diſturbance of the law, the juſtices, &c. ſhall proceed as if no ſuch letters, &c. were come, and they ſhall certify the King and council of ſuch commands contrary to law.

Barons of the exchequer. III. *Eng. Stat.* 20 *Edw.* 3. *cap.* 2. The barons of the exchequer ſhall do right and reaſon to all ſubjects, and ſhall deliver the people reaſonably and without delay, as in times paſt.

Juſtices of Gaol-delivery.

Juſtices aſſigned. I. *Eng. Stat.* de finib. 27 *Edw.* 1. *cap.* 3. Juſtices aſſigned to take aſſizes, after the aſſizes taken ſhall remain together if they be lay. And if one of them be a clerk, then one of the moſt diſcreet knights of the ſhire being aſſociate to him that is a layman, by writ ſhall deliver the gaols. And the ſame juſtices ſhall inquire, if ſheriffs or any other have let out by replevin priſoners not repleviable, or have offended contrary to the ſtatute Weſtminſter 1. 3 *Edw.* 1. *cap.* 15. *which ſee in Tit.* **Bail.**

Juſtices of Peace.

Keepers of the peace. I. *Eng. Stat.* 1 *Edw.* 3. *cap.* 16. In every county good men, which be no maintainers of evil or barretors, ſhall be aſſigned to keep the peace.

Reſiant within the ſhire. II. *Eng. Stat.* 2 *Hen.* 5. *Stat.* 1. *cap.* 4. *ſect.* 2. The juſtices of the peace of the *quorum* ſhall be reſiant within the ſhire, except lords and juſtices of the one bench and the other, the chief baron of the exchequer, ſerjeants at law, and the King's attorney, for the time that they be attendant in the King's ſervice, and make their ſeſſions four times by the year, *viz.* in the firſt week after St. Michael, the firſt week after the Epiphany, and the firſt week after

Quarterly ſeſſions.

the

the cloſe of Eaſter, and in the firſt week after the tranſlation of St. Thomas the martyr, and oftner if need be.

III. *Eng. Stat.* 2 *Hen.* 5. *Stat.* 2. *cap.* 1. Juſtices of peace ſhall be made of the moſt ſufficient perſons dwelling in the counties by the advice of the chancellor, and of the King's council, without taking other perſons dwelling in foreign counties, except lords and the juſtices of aſſizes, to be named by the King and his council. Moſt ſufficient perſons.

IV. *Eng. Stat.* 11 *Hen.* 6. *cap.* 6. Suits and proceſſes before juſtices of peace ſhall not be diſcontinued by new commiſſions of the peace, but the juſtices in the new commiſſions ſhall have power to continue the ſaid pleas and proceſſes. New commiſſions.

V. *Eng. Stat.* 18 *Hen.* 6. *cap.* 11. *ſect.* 1. No juſtice of peace ſhall be aſſigned if he have not lands to the value of twenty pounds by the year. And if any be ordained which hath not lands to the value aforeſaid, he ſhall give knowledge to the chancellor, which ſhall put another in his place. Qualification of juſtices.

(2) And if he give not knowledge as before within a month after he hath notice of ſuch commiſſion, or if he ſit or make any warrant by force of ſuch commiſſion, he ſhall incur the pain of twenty pounds, and be put out of the commiſſion. And the King ſhall have half of the ſaid pain, and he that will ſue the other half. And he that will ſue for the King and for himſelf ſhall have an action to demand the ſame pain by writ of debt. Acting or making warrants.

VI. *ſect.* 2. This ordinance ſhall not extend to cities, towns, or boroughs, which be counties incorporate of themſelves, nor which have juſtices of peace dwelling in the ſame. Exception for cities.

(2) Provided alſo, that if there be not men ſufficient, having lands to the value aforeſaid, learned in the law, within ſuch county, the chancellor ſhall have power to put other diſcreet perſons learned in the law in ſuch commiſſions, though they have not lands to the value aforeſaid. Perſons learned in the law.

VII. *Stat.* 1 *Edw.* 4. *cap.* 2. *ſect.* 1. All manner of indictments and preſentments taken before ſheriffs at their tourns or lawdays, they ſhall not have power to attach or put in priſon, or to levy any fines or amerciaments of perſons ſo indicted, nor to take of ſuch perſons any fine or ranſom; but the ſheriffs ſhall deliver all ſuch indictments and preſentments to the juſtices of peace at their next ſeſſions; and if the ſheriffs do not deliver all ſuch indictments at ſuch ſeſſions, ſuch ſheriffs and their miniſters ſhall forfeit to the King forty pounds; and the juſtices of peace ſhall have power to award proceſs upon ſuch indictments, as if the ſame were taken before them, and alſo to arraign and deliver all perſons ſo indicted. Reſtraint of ſheriffs.

(2) And the eſtreats of the fines and amerciaments ſhall be inrolled, and by indenture, be delivered to the ſheriffs, to the uſe of him that was ſheriff at the time of ſuch indictments taken; and if any of the ſheriffs, or their miniſters, attach or put in priſon, or cauſe any fine or ranſom to be taken, or levy any amerciament of any perſon ſo indicted, by colour of ſuch indictment, before they have proceſs from the juſtices of peace, or eſtreats delivered out, they ſhall forfeit an hundred pounds; the one half to the expences of the King's houſe, and the other half to the party damaged. Eſtreats of fines.

VIII. *ſect.* 3. This act ſhall not extend to any perſon which hath grants of fines, or amerciaments, by letters patent bearing date before the tenth Grantees by patent.

of December next after the beginning of this parliament; and this act shall not extend to persons having liberties by the said letters patent or prescription.

Taking bail.

IX. *Stat.* 1 *Ric.* 3. *cap.* 3. Every justice of the peace shall have authority to let prisoners arrested for suspicion, to bail, as though they were indicted of record before the same justices.

Escapes of felons.

(2) And justices of the peace shall have authority to enquire in their sessions of all manner escapes of every person imprisoned for felony.

Seizing goods before conviction.

(3) And no sheriff nor other person shall seize the goods of any person arrested for suspicion of felony, before they be convicted or attainted, or the goods otherwise lawfully forfeited, upon pain to forfeit the double value of the goods to him that is hurt, by action of debt.

Recognisance of the peace.

X. *Stat.* 3 *Hen.* 7. *cap.* 1. Every justice of the peace that shall take any recognizance for keeping the peace, shall certifie the same to the next sessions, that the party may be called, and if he make default, the same to be recorded, and the recognizance with the record of the default certified into the chancery, or before the King in his bench, or into the exchequer.

Proclamation to be made.

XI. *Stat.* 4 *Hen.* 7. *cap.* 12. *sect.* 1. Every justice of the peace shall cause to be proclaimed yearly, in four principal sessions, the tenor of this proclamation; and every justice of peace present at any sessions, if they cause not the said proclamations to be made, shall forfeit to the King twenty shillings.

Tenor of the proclamation.

XII. *sect.* 2. The King commandeth the justices of peace of this shire, to endeavour to execute the tenor of their commission: And that every man that let them to execute their authority, that they shew it to his Grace: And if they do it not, and it come to his knowledge by other, they shall be taken as men out of credence, and be put out of commission for ever: And over this he commandeth all men grieved in any thing that the justice of peace may determine, that they may make complaint to the justice of peace that next dwelleth, or to any of his fellows; and if they have no remedy, if it be nigh such time as the justices of assize come into that shire, they shall shew the complaint to the justices. And if then they have no remedy, they shall come to the King or to his chancellor, and his Highness shall send for the said justices, to know the cause why his subjects be not eased, and his laws executed: whereupon if he find any of them in default, he shall do him to be put out of the commission and punished according to his demerits: And his Highness shall not let for any cause, but that he shall see his laws to have true execution, and his subjects to live in surety.

Qu. *If in force since the death of King Henry* VII.

Fees of justices.

XIII. *Stat.* 3 *Geo.* 2. *cap.* 16. *sect.* 1. No person acting as a justice of the peace within any county, county of a city, or town, or any liberty or franchise within this kingdom, other than the justices of his Majesty's court of King's bench, shall, for the execution of his said office, demand or receive any other than the fees following, that is to say, six pence for each warrant, and for every recognizance one shilling, and no fee or reward shall be received by

by any juſtice of the peace for any warrant, recognizance, *mittimus*, diſcharge, or any other act to be done by ſuch juſtice in the execution of his office other than as aforeſaid; nothing herein contained ſhall be conſtrued to enable any juſtice of the peace to take any fees in any caſe of felony or treaſon.

Clerks taking fees.

XIV. *ſect.* 2. Where any perſons pretending to be, or acting as clerks under ſuch juſtices of the peace, ſhall take or receive any fee or reward for his trouble, or on any other pretence in reſpect of his acting as clerk as aforeſaid, ſuch perſon for every ſuch offence ſhall forfeit forty ſhillings to the party who ſhall firſt give information in writing of any ſuch offence, before any juſtice of the peace, or chief magiſtrate of any city, town, or borough, to be recovered by civil bill, in the ſame manner that ſmall debts in a ſummary way are recoverable, provided ſuch information be made within a month after the offence committed.

Act to be read at Eaſter ſeſſions.

XV. *ſect.* 4. This act ſhall be read yearly in open court at every general Eaſter quarter ſeſſions, by the clerk of the peace, or his deputy; and in caſe ſuch clerk or deputy ſhall neglect to read the ſame at ſuch quarter ſeſſions, he ſhall forfeit forty ſhillings, to be recovered by civil bill by any perſon who ſhall firſt ſue for the ſame at the next aſſizes to be held for the county where ſuch quarter ſeſſions are held.

Popiſh converts.

XVI. *Stat.* 7 *Geo.* 2. *cap.* 6. *ſect.* 1. No perſon converted from the popiſh to the proteſtant religion, ſhall be capable of being, or acting as, a juſtice of the peace, whoſe wife ſhall be a papiſt, or who doth educate in the popiſh religion any of his children, who ſhall be under the age of ſixteen years.

Penalty for acting.

(2) And any ſuch perſon acting as a juſtice of the peace contrary to this act, ſhall, upon conviction, ſuffer one year's impriſonment, and forfeit one hundred pounds, to be recovered by bill, &c. in any court of record; one moiety of which forfeiture is to be to the uſe of his Majeſty, and the other moiety to them who ſhall ſue, and ſuch perſon ſo convicted ſhall be for ever incapable of being an executor, adminiſtrator, or guardian.

Charter juſtices.

XVII. *Stat.* 1 *Geo.* 3. *cap.* 11. *ſect.* 1. If any juſtice of peace, acting under the charters of cities and towns corporate, ſhall wilfully commit any offence, contrary to his duty as a juſtice of peace, every ſuch juſtice ſhall, upon conviction of ſuch offence on an information to be filed in the court of King's bench, be for ever diſabled to act as a juſtice of the peace, for or within ſuch city or town corporate, in caſe the court before whom ſuch information ſhall be tried, ſhall, in open court, before the ſame is adjourned, certify under their hands, that they are ſatisfied with the verdict given upon ſuch information.

Trial of informations.

XVIII. *ſect.* 2. The trial of all ſuch informations ſhall be had in ſome indifferent county, to be appointed by the court of King's bench.

Juſtices by commiſſion.

XIX. *ſect.* 3. Nothing in this act contained, ſhall extend to juſtices of the peace, appointed by virtue of any commiſſion of the peace, iſſued, or to be iſſued by his Majeſty, his heirs and ſucceſſors.

END of the FIRST VOLUME.

Ex. J. M.
6/6/13